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COMPILATION OF GUIDELINES ON THE FORM AND CONTENT OF REPORTS TO BE SUBMITTED BY STATES PARTIES TO THE INTERNATIONAL HUMAN RIGHTS TREATIES

Report of the Secretary-General

In its resolutions 52/118 and 53/138, the General Assembly requested the Secretary-General to compile in a single volume the guidelines regarding the form and content of reports to be submitted by States parties that have been issued by the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child and the Committee against Torture. This document was prepared pursuant to that request. It contains, in addition to the guidelines issued separately by the above bodies, the consolidated guidelines relating to the initial part of State party reports containing information of a general character ("core documents").

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CONTENTS

Chapter I

INITIAL PARTS OF STATE PARTY REPORTS ("CORE DOCUMENTS") UNDER THE VARIOUS INTERNATIONAL HUMAN RIGHTS INSTRUMENTS*

Land and people

1. This section should contain information about the main ethnic and demographic characteristics of the country and its population, as well as such socio-economic and cultural indicators as per capita income, gross national product, rate of inflation, external debt, rate of unemployment, literacy rate and religion. It should also include information on the population by mother tongue, life expectancy, infant mortality, maternal mortality, fertility rate, percentage of population under 15 and over 65 years of age, percentage of population in rural areas and in urban areas and percentage of households headed by women. As far as possible, States should make efforts to provide all data disaggregated by sex.

General political structure

2. This section should describe briefly the political history and framework, the type of government and the organization of the executive, legislative and judicial organs.

General legal framework within which human rights are protected

3. This section should contain information on:

(a) Which judicial, administrative or other competent authorities have jurisdiction affecting human rights;

(b) What remedies are available to an individual who claims that any of his rights have been violated; and what systems of compensation and rehabilitation exist for victims;

(c) Whether any of the rights referred to in the various human rights instruments are protected either in the constitution or by a separate bill of rights and, if so, what provisions are made in the constitution or bill of rights for derogations and in what circumstances;

(d) How human rights instruments are made part of the national legal system;

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* Contained in the annex to document HRI/CORE/1 entitled Preparation of the initial parts of State party reports ("core documents") under the various international human rights instruments. With a view to facilitating the implementation of reporting obligations by States parties, and with the agreement of all of the treaty bodies, the guidelines of the various treaty bodies relating to the part of States reports containing general information were consolidated into a single text. By a note verbale dated 26 April 1991, the Secretary-General transmitted the guidelines, calling for the preparation and submission of a "core document", to all States that were parties to one or more international human rights instruments.

(e) Whether the provisions of the various human rights instruments can be invoked before, or directly enforced by, the courts, other tribunals or administrative authorities or whether they must be transformed into internal laws or administrative regulations in order to be enforced by the authorities concerned;

(f) Whether there exist any institutions or national machinery with responsibility for overseeing the implementation of human rights.

Information and publicity

4. This section should indicate whether any special efforts have been made to promote awareness among the public and the relevant authorities of the rights contained in the various human rights instruments. The topics to be addressed should include the manner and extent to which the texts of the various human rights instruments have been disseminated, whether such texts have been translated into the local language or languages, what government agencies have responsibility for preparing reports and whether they normally receive information or other inputs from external sources, and whether the contents of the reports are the subject of public debate.

Chapter II

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS*

Introduction

1. In accordance with article 17 of the International Covenant on Economic, Social and Cultural Rights, the Economic and Social Council, by its resolution 1988 (LX) of 11 May 1976, established a programme under which the States parties to the Covenant would furnish in stages the reports referred to in article 16 thereof and the Secretary-General, at the Council's request, subsequently drew up an appropriate set of general guidelines.

2. The guidelines are intended to facilitate the preparation of reports by States parties. By following them as closely as possible, reporting officers will minimize the risk that their reports are deemed to be inadequate in scope and insufficient in detail. The guidelines also provide a uniformly applicable framework within which the Committee can work and enable it to demonstrate a consistency of approach from one report to another. They are also designed to reduce the amount of duplication of information requested by the various treaty bodies.

3. In adopting the guidelines the Committee emphasized the importance of ensuring that the issues of principal concern were dealt with in a methodical and informative manner and strongly urged all States parties to adhere to them as closely as possible.

A. Part of the report relating to general provisions of the Covenant**

Article 1 of the Covenant

4. In what manner has the right to self-determination been implemented?

Article 2 of the Covenant

5. To what extent and in what manner are non-nationals not guaranteed the rights recognized in the Covenant? What justification is there for any difference?

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* Contained in document E/C.12/1991/1 entitled Revised general guidelines regarding the form and contents of reports to be submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights. The guidelines were adopted by the Committee on Economic, Social and Cultural Rights at its fifth session in 1990.

** The consolidated guidelines for the initial part of the reports of States parties to be submitted under the various international human rights instruments, including the Covenant, are contained in document HRI/CORE/1 (see Chapter I of the present document), sent to States parties by note verbale G/SO 221 (1) of 26 April 1991.

6. Which of the rights are specifically subject to non-discrimination provisions in national law? Attach the text of such provisions.

7. If your State participates in development cooperation, is any effort made to ensure that it is used, on a priority basis, to promote the realization of economic, social and cultural rights?

B. Part of the report relating to specific rights

Article 6 of the Covenant

8. If your State is a party to any of the following Conventions:

International Labour Organization (ILO) Employment Policy Convention, 1964 (No. 122)

ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

International Convention on the Elimination of all Forms of Racial Discrimination

Convention on the Elimination of all Forms of Discrimination Against Women

and has already submitted reports to the supervisory committee(s) concerned which are relevant to the provisions of article 6, you may wish to refer to the respective parts of those reports rather than repeat the information here. However, all matters which arise under the present Covenant and are not covered fully in those reports should be dealt with in the present report.

9. (a) Please supply information on the situation, level and trends of employment, unemployment and underemployment in your country, in respect of both the aggregate and particular categories of workers such as women, young persons, older workers and disabled workers. Please compare the respective situation 10 years ago and 5 years ago. Which persons, groups, regions or areas do you consider particularly vulnerable or disadvantaged with regard to employment?

(b) Please describe the principal policies pursued and measures taken with a view to ensuring that there is work for all who are available for and seeking work.

(c) Please indicate what measures have been adopted to ensure that work is as productive as possible.

(d) Please indicate what provisions ensure that there is freedom of choice of employment and that conditions of employment do not infringe upon fundamental political and economic freedoms of the individual.

(e) Please describe the technical and vocational training programmes that exist in your country, their effective mode of operation and their practical availability.

(f) Please state whether particular difficulties have been encountered in attaining the objectives of full, productive and freely chosen employment, and indicate how far these difficulties have been overcome.

10. (a) Please indicate whether there exist in your country any distinctions, exclusions, restrictions or preferences, be it in law or in administrative practices or in practical relationships, between persons or groups of persons, made on the basis of race, colour, sex, religion, political opinion, nationality or social origin, which have the effect of nullifying or impairing the recognition, enjoyment or exercise of equality of opportunity or treatment in employment or occupation. What steps are taken to eliminate such discrimination?

(b) Please supply information on the actual situation in your country regarding vocational guidance and training, employment and occupation of persons according to their race, colour, sex, religion, and national origin.

(c) Please indicate the main cases in which a distinction, exclusion or preference based on any of the above-named conditions is not considered in your country as discrimination, owing to the inherent requirements of a particular job. Please indicate any difficulties in application, disputes or controversies which have arisen in relation to such conditions.

11. Please indicate what proportion of the working population of your country holds more than one full-time job in order to secure an adequate standard of living for themselves and their families. Describe this development over time.

12. In case of subsequent reports, give a short review of changes, if any, in national legislation, court decisions, as well as administrative rules, procedures and practices during the reporting period affecting the right to work.

13. Please indicate the role of international assistance in the full realization of the right enshrined in article 6.

Article 7 of the Covenant

14. If your State is a party to any of the following ILO Conventions:

Minimum Wage-Fixing Convention, 1970 (No. 131)

Equal Remuneration Convention, 1951 (No. 100)

Weekly Rest (Industry) Convention, 1921 (No. 14)

Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)

Holidays with Pay Convention (Revised), 1970 (No. 132)

Labour Inspection Convention, 1947 (No. 81)

Labour Inspection (Agriculture) Convention, 1969 (No. 129)

Occupational Safety and Health Convention, 1981 (No. 155)

and has already submitted reports to the ILO Committee of Experts on the Application of Conventions and Recommendations which are relevant to the provisions of article 7 you may

wish to refer to the respective parts of those reports rather than repeat the information here. However, all matters which arise under the present Covenant and are not covered fully in those reports should be dealt with in the present report.

15. (a) Please supply information on the principal methods used for fixing wages.

(b) Please indicate whether a system of minimum wages has been established, and specify the groups of wage earners to which it applies, the number of persons covered by each group as well as the competent authority for determining these groups. Are there any wage earners remaining outside the protection of the system of minimum wages in law or in fact?

(i) Do these minimum wages have the force of law and in which ways are they secured against erosion?

(ii) To what extent and by which methods are the needs of workers and their families as well as economic factors taken into consideration and reconciled with each other in determining the level of minimum wages? What standards, goals and benchmarks are relevant in this respect?

(iii) Please describe briefly the machinery set up for fixing, monitoring and adjusting minimum wages;

(iv) Please supply information on the development of average and minimum wages 10 years ago, 5 years ago and at present, set against the respective development of the cost of living;

(v) Please indicate whether, in practice, the system of minimum wages is supervised effectively.

(c) Please indicate whether there exists in your country any inequality in remuneration for work of equal value, infringements of the principle of equal pay for equal work, or conditions of work for women which are inferior to those enjoyed by men.

(i) What steps are taken to eliminate such discrimination? Please describe the successes and failures of these steps with regard to the various groups that are discriminated against;

(ii) Please indicate what methods, if any, have been adopted to promote an objective appraisal of jobs on the basis of the work to be performed.

(d) Please indicate the income distribution of employees, both in the public and private sector taking into account both remuneration and non-monetary benefits. If available, give data on the remuneration of comparable jobs in the public and private sector.

16. What legal, administrative or other provisions exist that prescribe minimum conditions of occupational health and safety. How are these provisions enforced in practice and in which areas do they not apply?

(a) Please indicate which categories of workers, if any, are excluded from existing schemes by law and what other categories benefit from such schemes only insufficiently or not at all.

(b) Please provide statistical or other information on how the number, nature and frequency of occupational accidents (particularly with fatal results) and diseases have developed over time (10 years ago, 5 years as compared with the present).

17. Please supply information on the actual realization in your country of the principle of equal opportunity for promotion.

(a) Which groups of workers are currently deprived of such equal opportunity? In particular, what is the situation of women in this respect?

(b) What steps are taken to eliminate such inequality? Please describe the successes and failures of these steps with regard to the various disadvantaged groups.

18. Please describe the laws and practices in your country regarding rest, leisure, reasonable limitations of working hours, periodic holidays with pay and remuneration for public holidays.

(a) Indicate the factors and difficulties affecting the degree of realization of these rights.

(b) Indicate which categories of workers are excluded by law or in practice, or both, from the enjoyment of which of these rights. What measures are contemplated or currently taken to remedy this situation?

19. In case of subsequent reports, give a short review of changes, if any, in national legislation, court decisions, or administrative rules, procedures and practices during the reporting period affecting the right to just and favourable conditions of work.

20. Please indicate the role of international assistance in the full realization of the right enshrined in article 7.

Article 8 of the Covenant

21. If your State is a party to any of the following Conventions:

International Covenant on Civil and Political Rights

ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

ILO Labour Relations (Public Service) Convention, 1978 (No. 151)

and has already submitted reports to the supervisory committee(s) concerned which are relevant to the provisions of article 8, you may wish to refer to the respective parts of those reports rather than repeat the information here. However, all matters which arise under the present Covenant and are not covered fully in those reports should be dealt with in the present report.

22. Please indicate what substantive or formal conditions, if any, must be fulfilled in order to join and form the trade union of one's choice.

(a) Please specify whether there exist any special legal provisions regarding the establishment of trade unions by certain categories of workers and, eventually, what these special provisions are, how they have been applied in practice, as well as the number of persons subjected to them.

(b) Are there any restrictions placed upon the exercise of the right to join and form trade unions by workers? Please provide a detailed account of the legal provisions prescribing such restrictions and their application in practice over time.

(c) Please supply information on how your Government secures the right of trade unions to federate and join international trade union organizations. What legal and practical restrictions are placed upon the exercise of this right?

(d) Please indicate in detail what conditions or limitations are placed upon the right of trade unions to function freely. Which trade unions have been adversely affected in practice by these conditions or limitations? What measures are being taken to promote free collective bargaining?

(e) Please supply data on the number and structure of trade unions established in your country, and on their respective membership.

23. Please indicate whether in your country workers are granted the possibility to strike as a matter of constitutional or legal right. If your answer is in the negative, what other legal or factual approach is used to guarantee the exercise of this right?

(a) What restrictions are placed upon the exercise of the right to strike? Please provide a detailed account of the legal provisions governing such restrictions and their application in practice over time.

(b) Please indicate whether there exist any special legal provisions regarding the exercise of the right to strike by certain categories of workers and what these special provisions are, how they have been applied in practice, as well as the number of workers subjected to them.

24. Please indicate whether any restrictions are placed upon the exercise of the rights mentioned in paragraphs 2 and 3 above by members of the armed forces, the police or the administration of the State. How have such restrictions been applied in actual practice?

25. In case of subsequent reports, give a short review of changes, if any, in national legislation, court decisions, as well as administrative rules, procedures and practices during the reporting period affecting the rights enshrined in article 8.

Article 9 of the Covenant

26. If your State is a party to the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102) or to other relevant subsequent ILO Conventions (Nos. 121, 128, 130 and 168) and has already submitted reports to the supervisory committee(s) concerned which are relevant to the provisions of article 9, you may wish to refer to the respective parts of those reports rather than repeat the information here. However, all matters which arise under the present Covenant and are not covered fully in those reports should be dealt with in the present report.

27. Please indicate which of the following branches of social security exist in your country:

Medical care

Cash sickness benefits

Maternity benefits

Old-age benefits

Invalidity benefits

Survivors' benefits

Employment injury benefits

Unemployment benefits

Family benefits.

28. Please describe for each branch existing in your country the main features of the schemes in force, indicating the comprehensiveness of the coverage provided, both in the aggregate and with respect to different groups within the society, the nature and level of benefits, and the method of financing the schemes.

29. Please indicate what percentage of your GNP as well as of your national and/or regional budget(s) is spent on social security. How does this compare with the situation 10 years ago? What reasons are there for any changes?

30. Please indicate whether in your country the formal (public) social security schemes described are supplemented by any informal (private) arrangements. If such is the case, please describe these arrangements and the interrelationships between them and the formal (public) schemes.

31. Please indicate whether in your country there are any groups which do not enjoy the right to social security at all or which do so to a significantly lesser degree than the majority of the population. In particular, what is the situation of women in that respect? Please give particulars of such non-enjoyment of social security.

(a) Please indicate what measures are regarded as necessary by your Government in order to realize the right to social security for the groups mentioned above.

(b) Please explain the policy measures your Government has taken, to the maximum of its available resources, to implement the right to social security for these groups. Give a calendar and time-related benchmarks for measuring your achievements in this regard.

(c) Please describe the effect of these measures on the situation of the vulnerable and disadvantaged groups in point, and report the successes, problems and shortcomings of such measures.

32. In case of subsequent reports, give a short review of changes, if any, in national legislation, court decisions, as well as administrative rules, procedures and practices during the reporting period affecting the right to social security.

33. Please indicate the role of international assistance in the full realization of the right enshrined in article 9.

Article 10 of the Covenant

34. If your State is a party to any of the following Conventions:

International Covenant on Civil and Political Rights

Convention on the Rights of the Child

Convention on the Elimination of all Forms of Discrimination Against Women

ILO Maternity Protection Convention (Revised) 1952 (No. 103)

ILO Minimum Age Convention, 1973 (No. 138)

or to any other ILO convention on the protection of children and young persons in relation to employment and work, and if your Government has already submitted reports to the supervisory committee(s) concerned which are relevant to the provisions of article 10, you may wish to refer to the respective parts of those reports rather than repeat the information here. However, all matters which arise under the present Covenant and are not covered fully in these reports should be dealt with in the present report.

35. Please indicate what meaning is given in your society to the term “family”.

36. Please indicate the age at which in your country children are deemed to attain their majority for different purposes.

37. Please supply information on the ways and means, both formal and informal, employed in your country to grant assistance and protection to the family. In particular:

(a) How does your country guarantee the right of men and, particularly, women to enter into marriage with their full and free consent and to establish a family? Please indicate and eventually give particulars about cases where the measures taken were not successful in abolishing practices adversely affecting the enjoyment of this right.

(b) By what measures does your country facilitate the establishment of a family as well as maintain, strengthen and protect it, particularly while it is responsible for the care and education of dependent children? Despite these measures, are there families which do not enjoy the benefit of such protection and assistance at all or which do so to a significantly lesser degree than the majority of the population? Please give details of these situations. Are extended families or other forms of familial organization recognized in determining the availability or applicability of these measures, particularly with respect to government benefits?

(c) With regard to shortcomings visible under subparagraphs (a) or (b), what measures are contemplated to remedy the situation?

38. Please provide information on your system of maternity protection.

(a) In particular:

(i) Describe the scope of the scheme of protection;

(ii) Indicate the total length of the maternity leave and of the period of compulsory leave after confinement;

(iii) Describe the cash, medical and other social security benefits granted during these periods;

(iv) Indicate how these benefits have been developed over time.

(b) Please indicate whether there are in your society groups of women who do not enjoy any maternity protection at all or which do so to a significantly lesser degree than the majority. Please give details of these situations. What measures are being taken or contemplated to remedy this situation? Please describe the effect of these measures on the situation of the vulnerable and disadvantaged groups in point, and report on successes, problems and shortcomings of such measures.

39. Please describe the special measures of protection and assistance on behalf of children and young persons, especially measures to protect them from economic and social exploitation or to prevent their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development.

(a) What are the age limits in your country below which the paid employment of child labour in different occupations is prohibited?

(b) Please specify how many children, and of which age groups, engage in paid employment, and to what extent.

(c) Please specify to what extent children are being employed in their families' households, farms or businesses.

(d) Please indicate whether there are in your country any groups of children and young persons which do not enjoy the measures of protection and assistance at all or which do so to a significantly lesser degree than the majority. In particular, what is the respective situation of orphans, children without living biological parents, young girls, children who are abandoned or deprived of their family environment, as well as physically or mentally handicapped children?

(e) How are the persons mentioned in the preceding paragraph informed of their respective rights?

(f) Please give details of any difficulties and shortcomings. How have such adverse situations developed over time? What measures are being taken to remedy these situations? Please describe the effect of these measures over time and report on successes, problems and shortcomings.

40. In case of subsequent reports, give a short review of changes, if any, in national legislation, court decisions as well as administrative rules, procedures and practices during the reporting period affecting the right enshrined in article 10.

41. Please describe the role of international assistance in the full realization of the right enshrined in article 10.

Article 11 of the Covenant

42. (a) Please supply information on the current standard of living of your population, in respect of both the aggregate and different socio-economic, cultural, and other groups within the society. How has the standard of living changed over time (e.g. compared with 10 years ago and 5 years ago) with regard to these different groups? Has there been a continuous improvement of living conditions for the entire population or for what groups?

(b) In case your Government has recently submitted reports relevant to the situation with respect to all or some of the rights contained in article 11 to the United Nations or a specialized agency, you may wish to refer to the relevant parts of those reports rather than repeat the information here.

(c) Please indicate the per capita GNP for the poorest 40 per cent of your population. Is there a "poverty line" in existence in your country and, if so, what is the basis for this line?

(d) Please indicate your country's Physical Quality of Life Index.

43. The right to adequate food

(a) Please provide a general overview of the extent to which the right to adequate food has been realized in your country. Describe the sources of information that exist in this regard, including nutritional surveys and other monitoring arrangements.

(b) Please provide detailed information (including statistical data broken down in terms of different geographical areas) on the extent to which hunger and/or malnutrition exists in your country. This information should deal in particular with the following issues:

(i) The situation of especially vulnerable or disadvantaged groups, including:

Landless peasants

Marginalized peasants

Rural workers

Rural unemployed

Urban unemployed

Urban poor

Migrant workers

Indigenous peoples

Children

Elderly people

Other especially affected groups;

(ii) Any significant differences in the situation of men and women within each of the above groups;

(iii) The changes that have taken place over the past five years with respect to the situation of each of the above groups.

(c) During the reporting period, have there been any changes in national policies, laws and practices negatively affecting the access to adequate food by these groups or sectors or within the worse-off regions? If so, please describe these changes and evaluate their impact.

(d) Please indicate what measures are considered necessary by your Government to guarantee access to adequate food for each of the vulnerable or disadvantaged groups mentioned above and for the worse-off areas, and for the full implementation of the right to food for both men and women. Indicate the measures taken and specify time-related goals and nutritional benchmarks for measuring achievements in this regard.

(e) Please indicate in what ways measures taken to improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge have contributed towards, or have impeded the realization of the right to adequate food. Please describe the impact of these measures in terms of ecological sustainability and the protection and conservation of food producing resources.

(f) Please indicate what measures are taken to disseminate knowledge of the principles of nutrition and specify whether any significant groups or sectors within society seem to lack such knowledge.

(g) Please describe any measures of agrarian reform taken by your Government to ensure that the agrarian system is efficiently utilized in order to promote food security at household level without negatively affecting human dignity both in the rural and urban settings taking into account articles 6 to 8 of the Covenant. Describe the measures taken:

(i) To legislate to this effect;

(ii) To enforce existing law to this effect;

(iii) To facilitate monitoring through governmental and non-governmental organizations.

(h) Please describe and evaluate the measures taken by your Government in order to ensure an equitable distribution, in terms of both production and trade, of world food supplies in relation to need, taking into account the problems of both food-importing and food-exporting countries.

44. The right to adequate housing

(a) Please furnish detailed statistical information about the housing situation in your country.

(b) Please provide detailed information about those groups within your society that are vulnerable and disadvantaged with regard to housing. Indicate, in particular:

(i) The number of homeless individuals and families;

(ii) The number of individuals and families currently inadequately housed and without ready access to basic amenities such as water, heating (if necessary), waste disposal, sanitation facilities, electricity, postal services, etc. (insofar as you consider these amenities relevant in your country). Include the number of people living in over-crowded, damp, structurally unsafe housing or other conditions which affect health;

(iii) The number of persons currently classified as living in "illegal" settlements or housing;

(iv) The number of persons evicted within the last five years and the number of persons currently lacking legal protection against arbitrary eviction or any other kind of eviction;

(v) The number of persons whose housing expenses are above any government-set limit of affordability, based upon ability to pay or as a ratio of income;

(vi) The number of persons on waiting lists for obtaining accommodation, the average length of waiting time and measures taken to decrease such lists as well as to assist those on such lists in finding temporary housing;

(vii) The number of persons in different types of housing tenure by: social or public housing; private rental sector; owner-occupiers; “illegal” sector; and other.

(c) Please provide information on the existence of any laws affecting the realization of the right to housing, including:

(i) Legislation which gives substance to the right to housing in terms of defining the content of this right;

(ii) Legislation such as housing acts, homeless person acts, municipal corporation acts, etc;

(iii) Legislation relevant to land use, land distribution; land allocation, land zoning, land ceilings, expropriations including provisions for compensation; land planning, including procedures for community participation;

(iv) Legislation concerning the rights of tenants to security of tenure, to protection from eviction; to housing finance and rental control (or subsidy), housing affordability, etc;

(v) Legislation concerning building codes, building regulations and standards and the provision of infrastructure;

(vi) Legislation prohibiting any and all forms of discrimination in the housing sector, including groups not traditionally protected;

(vii) Legislation prohibiting any form of eviction;

(viii) Any legislative repeal or reform of existing laws which detracts from the fulfilment of the right to housing;

(ix) Legislation restricting speculation on housing or property, particularly when such speculation has a negative impact on the fulfilment of housing rights for all sectors of society;

(x) Legislative measures conferring legal title to those living in the "illegal" sector;

(xi) Legislation concerning environmental planning and health in housing and human settlements.

(d) Please provide information on all other measures taken to fulfil the right to housing, including:

(i) Measures taken to encourage "enabling strategies" whereby local community-based organizations and the "informal sector" can build housing and related services. Are such organizations free to operate? Do they receive Government funding?

(ii) Measures taken by the State to build housing units and to increase other construction of affordable, rental housing;

(iii) Measures taken to release unutilized, underutilized or misutilized land;

(iv) Financial measures taken by the State including details of the budget of the Ministry of Housing or other relevant Ministry as a percentage of the national budget;

(v) Measures taken to ensure that international assistance for housing and human settlements is used to fulfil the needs of the most disadvantaged groups;

(vi) Measures taken to encourage the development of small and intermediate urban centres, especially at the rural level;

(vii) Measures taken during, inter alia, urban renewal programmes, redevelopment projects, site upgrading, preparation for international events (Olympics, expositions, conferences, etc.), "beautiful city campaigns", etc., which guarantee protection from eviction or guaranteed rehousing based on mutual agreement, by any persons living on or near to affected sites.

(e) During the reporting period, have there been any changes in national policies, laws and practices negatively affecting the right to adequate housing? If so, please describe the changes and evaluate their impact.

45. Please give details on any difficulties or shortcomings encountered in the fulfilment of the rights enshrined in article 11 and on the measures taken to remedy these situations (if not already described in the present report).

46. Please indicate the role of international assistance in the full realization of the rights enshrined in article 11.

Article 12 of the Covenant

47. Please supply information on the physical and mental health of your population, in respect of both the aggregate and the different groups within your society. How has the health situation changed over time with regard to these groups? In case your Government has recently submitted reports on the health situation in your country to the World Health Organization (WHO) you may wish to refer to the relevant parts of these reports rather than repeat the information here.

48. Please indicate whether your country has a national health policy. Please indicate whether a commitment to the WHO primary health-care approach has been adopted as part of the health policy of your country. If so, what measures have been taken to implement primary health care?

49. Please indicate what percentage of your GNP as well as of your national and/or regional budget(s) is spent on health. What percentage of those resources is allocated to primary health care? How does this compare with 5 years ago and 10 years ago?

50. Please provide, where available, indicators as defined by the WHO, relating to the following issues:

(a) Infant mortality rate (in addition to the national value, please provide the rate by sex, urban/rural division, and also, if possible, by socio-economic or ethnic group and geographical area. Please include national definitions of urban/rural and other subdivisions);

(b) Population access to safe water (please disaggregate urban/rural);

(c) Population access to adequate excreta disposal facilities (please disaggregate urban/rural);

(d) Infants immunized against diphtheria, pertussis, tetanus, measles, poliomyelitis and tuberculosis (please disaggregate urban/rural and by sex);

(e) Life expectancy (please disaggregate urban/rural, by socio-economic group and by sex);

(f) Proportion of the population having access to trained personnel for the treatment of common diseases and injuries, with regular supply of 20 essential drugs, within one hour's walk or travel;

(g) Proportion of pregnant women having access to trained personnel during pregnancy and proportion attended by such personnel for delivery. Please provide figures on the maternity mortality rate, both before and after childbirth;

(h) Proportion of infants having access to trained personnel for care.

(Please provide breakdowns by urban/rural and socio-economic groups for indicators (f) to (h).)

51. Can it be discerned from the breakdowns of the indicators employed in paragraph 4, or by other means, that there are any groups in your country whose health situation is significantly worse than that of the majority of the population? Please define these groups as precisely as possible and give details. Which geographical areas in your country, if any, are worse off with regard to the health of their population?

(a) During the reporting period, have there been any changes in national policies, laws and practices negatively affecting the health situation of these groups or areas? If so, please describe these changes and their impact.

(b) Please indicate what measures are considered necessary by your Government to improve the physical and mental health situation of such vulnerable and disadvantaged groups or in such worse-off areas.

(c) Please explain the policy measures your Government has taken, to the maximum of available resources, to realize such improvement. Indicate time-related goals and benchmarks for measuring your achievements in this regard.

(d) Please describe the effect of these measures on the health situation of the vulnerable and disadvantaged groups or worse-off areas under consideration, and report on the successes, problems and shortcomings of these measures.

(e) Please describe the measures taken by your Government in order to reduce the stillbirth-rate and infant mortality and to provide for the healthy development of the child.

(f) Please list the measures taken by your Government to improve all aspects of environmental and industrial hygiene.

(g) Please describe the measures taken by your Government to prevent, treat and control epidemic, endemic, occupational and other diseases.

(h) Please describe the measures taken by your Government to assure to all medical service and medical attention in the event of sickness.

(i) Please describe the effect of the measures listed in subparagraphs (e) to (h) on the situation of the vulnerable and disadvantaged groups in your society and in any worse-off areas. Report on difficulties and failures as well as on positive results.

52. Please indicate the measures taken by your Government to ensure that the rising costs of health care for the elderly do not lead to infringements of these persons right to health.

53. Please indicate what measures have been taken in your country to maximize community participation in the planning, organization, operation and control of primary health care.

54. Please indicate what measures have been taken in your country to provide education concerning prevailing health problems and the measures of preventing and controlling them.

55. Please indicate the role of international assistance in the full realization of the right enshrined in article 12.

Article 13 of the Covenant

56. With a view to achieving in your country the full realization of the right of everyone to education:

(a) How does your Government discharge its obligation to provide for primary education that is compulsory and available free to all? (If primary education is not compulsory and/or free of charge, see especially article 14.)

(b) Is secondary education, including technical and vocational secondary education, generally available and accessible to all? To what extent is such secondary education free of charge?

(c) To what extent is general access to higher education realized in your country? What are the costs of such higher education? Is free education established or being introduced progressively?

(d) What efforts have you made to establish a system of fundamental education for those persons who have not received or completed the whole period of their primary education?

In case your Government has recently submitted reports relevant to the situation with respect to the right contained in article 13 to the United Nations or a specialized agency, you may wish to refer to the relevant parts of those reports rather than repeat the information here.

57. What difficulties have you encountered in the realization of the right to education, as spelt out in paragraph 1? What time-related goals and benchmarks has your Government set in this respect?

58. Please provide statistics on literacy, enrolment in fundamental education with information on rural areas, adult and continuing education, drop-out rates at all levels of education as well as graduating rates at all levels (please disaggregate, if possible, according to sex, religion, etc.). Also provide information on measures taken to promote literacy, with data on the scope of the programmes, target population, financing and enrolment, as well as graduation statistics by age group, sex, etc. Please report on the positive results of these measures as well as on difficulties and failures.

59. Please provide information on the percentage of your budget (or, if necessary, regional budgets) spent on education. Describe your system of schools, your activity in building new schools, the vicinity of schools, particularly in rural areas, as well as the schooling schedules.

60. To what extent is equal access to the different levels of education and measures to promote literacy enjoyed in practice? For instance:

(a) What is the ratio of men and women making use of the different levels of education and taking part in these measures?

(b) With regard to practical enjoyment of the right to these levels of education and measures to promote literacy, are there any particularly vulnerable and disadvantaged groups? Indicate, for instance, to what extent young girls, children of low-income groups, children in rural areas, children who are physically or mentally disabled, children of immigrants and of migrant workers, children belonging to linguistic, racial, religious or other minorities, and children of indigenous people, enjoy the right to literacy and education spelt out in article 12.

(c) What action is your Government taking or contemplating in order to introduce or guarantee equal access to all levels of education within your country, for instance in the form of anti-discriminatory measures, financial incentives, fellowships, positive or affirmative action? Please describe the effect of such measures.

(d) Please describe the language facilities provided to this effect, such as the availability of teaching in the mother tongue of the students.

61. Please describe the conditions of teaching staff at all levels in your country, having regard to the Recommendation concerning the Status of Teachers, adopted on 5 October 1966 by the Special Intergovernmental Conference on the Status of Teachers, convened by UNESCO. How do teachers' salaries compare to salaries of (other) civil servants? How has this ratio developed over time? What measures does your country take or contemplate to improve the living conditions of teaching staff?

62. What proportion of schools at all levels in your country is not established and administered by the Government? Have any difficulties been encountered by those wishing to establish or to gain access to those schools?

63. During the reporting period, have there been any changes in national policies, laws and practices negatively affecting the right enshrined in article 13? If so, please describe these changes and evaluate their impact.

64. Please indicate the role of international assistance in the full realization of the right enshrined in article 13.

Article 14 of the Covenant

65. If compulsory and free primary education in your country is not currently enjoyed, please provide details on the required plan of action for the progressive implementation, within a reasonable number of years fixed in this plan, of this principle. What particular difficulties have you encountered in the realization of this plan of action? Please indicate the role of international assistance in this respect.

Article 15 of the Covenant

66. Please describe the legislative and other measures adopted by or in your State to realize the right of everyone to take part in the cultural life which he or she considers pertinent, and to manifest his or her own culture. In particular, provide information on the following:

(a) Availability of funds for the promotion of cultural development and popular participation in cultural life, including public support for private initiative.

(b) The institutional infrastructure established for the implementation of policies to promote popular participation in culture, such as cultural centres, museums, libraries, theatres, cinemas, and in traditional arts and crafts.

(c) Promotion of cultural identity as a factor of mutual appreciation among individuals, groups, nations and regions.

(d) Promotion of awareness and enjoyment of the cultural heritage of national ethnic groups and minorities and of indigenous peoples.

(e) Role of mass media and communications media in promoting participation in cultural life.

(f) Preservation and presentation of mankind's cultural heritage.

(g) Legislation protecting the freedom of artistic creation and performance, including the freedom to disseminate the results of such activities, as well as an indication of any restrictions or limits imposed on the freedom.

(h) Professional education in the field of culture and art.

(i) Any other measures taken for the conservation, development and diffusion of culture.

Please report on positive effects as well as on difficulties and failures, particularly concerning indigenous and other disadvantaged and particularly vulnerable groups.

67. Please describe the legislative and other measures taken to realize the right of everyone to enjoy the benefits of scientific progress and its applications, including those aimed at the conservation, development and diffusion of science. In particular, provide information on the following:

(a) Measures taken to ensure the application of scientific progress for the benefit of everyone, including measures aimed at the preservation of mankind's natural heritage and at promoting a healthy and pure environment and information on the institutional infrastructures established for that purpose.

(b) Measures taken to promote the diffusion of information on scientific progress.

(c) Measures taken to prevent the use of scientific and technical progress for purposes which are contrary to the enjoyment of all human rights, including the rights to life, health, personal freedom, privacy and the like.

(d) Any restrictions which are placed upon the exercise of this right, with details of the legal provisions prescribing such restrictions.

68. Please describe the legislative and other measures taken to realize the right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic work of which he or she is the author. In particular, supply information on the practical measures aimed at the full implementation of this right, including provision of the necessary conditions for scientific, literary and artistic activities, and the protection of intellectual property rights resulting from such activities. What difficulties have affected the degree of realization of this right?

69. What steps has your Government taken for the conservation, development and diffusion of science and culture? Please describe in particular:

(a) Measures at the constitutional level, within the national educational system and by means of the communications media.

(b) All other practical steps taken to promote such conservation, development and diffusion.

70. Please describe the legal, administrative and judicial system designed to respect and protect the freedom indispensable for scientific research and creative activity, in particular:

(a) Measures designed to promote enjoyment of this freedom including the creation of all necessary conditions and facilities for scientific research and creative activity.

(b) Measures taken to guarantee the freedom of exchange of scientific, technical and cultural information, views and experience between scientists, writers, creative workers, artists and other creative individuals and their respective institutions.

(c) Measures taken to support learned societies, academies of science, professional associations, unions of workers and other organizations and institutions engaged in scientific research and creative activities.

What difficulties have affected the degree of realization of this freedom?

71. Please describe the legislative and other measures by which your Government encourages and develops international contacts and cooperation in the scientific and cultural fields, including measures taken for:

(a) The fullest utilization, by all the States concerned, of the facilities afforded by their adherence to regional and international conventions, agreements and other instruments in the scientific and cultural fields.

(b) Participation by scientists, writers, artists and others involved in scientific research or creative activity, in international scientific and cultural conferences, seminars, symposiums, etc.

What factors and difficulties have affected the development of international cooperation in these fields?

72. During the reporting period, have there been any changes in national policies, laws and practices negatively affecting the rights enshrined in article 15? If so, please describe these changes and evaluate their impact.

73. In case your Government has recently submitted reports relevant to the situation with respect to the rights contained in article 15 to the United Nations or a specialized agency, you may wish to refer to the relevant parts of those reports rather than repeat the information here.

74. Please indicate the role of international assistance in the full realization of the rights enshrined in article 15.

Chapter III

HUMAN RIGHTS COMMITTEE*

A. Introduction

A.1 These guidelines replace all earlier versions issued by the Human Rights Committee, which may now be disregarded (CCPR/C/19/Rev.1 of 26 August 1982, CCPR/C/5/Rev.2 of 28 April 1995 and Annex VIII to the Committee's 1998 report to the General Assembly (A/53/40)); the Committee's general comment 2 (13) of 1981 is also superseded. The present guidelines do not affect the Committee's procedure in relation to any special reports which may be requested.

A.2 These guidelines will be effective for all reports to be presented after 31 December 1999.

A.3 The guidelines should be followed by States parties in the preparation of initial and all subsequent periodic reports.

A.4 Compliance with these guidelines will reduce the need for the Committee to request further information when it proceeds to consider a report; it will also help the Committee to consider the situation regarding human rights in every State party on an equal basis.

B. Framework of the Covenant concerning reports

B.1 Every State party, upon ratifying the Covenant, undertakes, under article 40, to submit, within a year of the Covenant's entry into force for that State, an initial report on the measures it has adopted which give effect to the rights recognized in the Covenant ("Covenant rights") and progress made in their enjoyment; and thereafter periodic reports whenever the Committee so requests.

B.2 For subsequent periodic reports the Committee has adopted a practice of stating, at the end of its concluding observations, a date by which the following periodic report should be submitted.

C. General guidance for contents of all reports

C.1 The articles and the Committee's general comments. The terms of the articles in Parts I, II and III of the Covenant must, together with general comments issued by the Committee on any such article, be taken into account in preparing the report.

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* Contained in document CCPR/C/66/GUI/Rev.2 entitled Consolidated guidelines for State reports under the International Covenant on Civil and Political Rights. The guidelines were adopted during the sixty-sixth session (July 1999) of the Human Rights Committee and amended during its seventieth session (October 2000).

C.2 Reservations and declarations. Any reservation to or declaration as to any article of the Covenant by the State party should be explained and its continued maintenance justified.

C.3 Derogations. The date, extent and effect of, and procedures for imposing and for lifting any derogation under article 4 should be fully explained in relation to every article of the Covenant affected by the derogation.

C.4 Factors and difficulties. Article 40 of the Covenant requires that factors and difficulties, if any, affecting the implementation of the Covenant should be indicated. A report should explain the nature and extent of, and reasons for every such factor and difficulty, if any such exist; and should give details of the steps being taken to overcome these.

C.5 Restrictions or limitations. Certain articles of the Covenant permit some defined restrictions or limitations on rights. Where these exist, their nature and extent should be set out.

C.6 Data and statistics. A report should include sufficient data and statistics to enable the Committee to assess progress in the enjoyment of Covenant rights, relevant to any appropriate article.

C.7 Article 3. The situation regarding the equal enjoyment of Covenant rights by men and women should be specifically addressed.

C.8 Core document. Where the State party has already prepared a core document, this will be available to the Committee: it should be updated as necessary in the report, particularly as regards "General legal framework" and "Information and publicity" (HRI/CORE/1, see chapter 1 of the present document).

D. The initial report

D.1 General

This report is the State party's first opportunity to present to the Committee the extent to which its laws and practices comply with the Covenant which it has ratified. The report should:

- Establish the constitutional and legal framework for the implementation of Covenant rights;
- Explain the legal and practical measures adopted to give effect to Covenant rights;
- Demonstrate the progress made in ensuring enjoyment of Covenant rights by the people within the State party and subject to its jurisdiction.

D.2 Contents of the report

D.2.1 A State party should deal specifically with every article in Parts I, II and III of the Covenant; legal norms should be described, but that is not sufficient: the factual situation and the practical availability, effect and implementation of remedies for violation of Covenant rights should be explained and exemplified.

D.2.2 The report should explain:

How article 2 of the Covenant is applied, setting out the principal legal measures which the State party has taken to give effect to Covenant rights; and the range of remedies available to persons whose rights may have been violated;

Whether the Covenant is incorporated into domestic law in such a manner as to be directly applicable;

If not, whether its provisions can be invoked before and given effect to by courts, tribunals and administrative authorities;

Whether the Covenant rights are guaranteed in a Constitution or other laws and to what extent; or

Whether Covenant rights must be enacted or reflected in domestic law by legislation so as to be enforceable.

D.2.3 Information should be given about the judicial, administrative and other competent authorities having jurisdiction to secure Covenant rights.

D.2.4 The report should include information about any national or official institution or machinery which exercises responsibility in implementing Covenant rights or in responding to complaints of violations of such rights, and give examples of their activities in this respect.

D.3 Annexes to the report

D.3.1 The report should be accompanied by copies of the relevant principal constitutional, legislative and other texts which guarantee and provide remedies in relation to Covenant rights. Such texts will not be copied or translated, but will be available to members of the Committee; it is important that the report itself contains sufficient quotations from or summaries of these texts so as to ensure that the report is clear and comprehensible without reference to the annexes.

E. Subsequent periodic reports

E.1 There should be two starting points for such reports:

The concluding observations (particularly “Concerns” and “Recommendations”) on the previous report and summary records of the Committee’s consideration (insofar as these exist);

An examination by the State party of the progress made towards and the current situation concerning the enjoyment of Covenant rights by persons within its territory or jurisdiction.

E.2 Periodic reports should be structured so as to follow the articles of the Covenant. If there is nothing new to report under any article it should be so stated.[1]

E.3 The State party should refer again to the guidance on initial reports and on annexes, insofar as these may also apply to a periodic report.

E.4 There may be circumstances where the following matters should be addressed, so as to elaborate a periodic report:

There may have occurred a fundamental change in the State party's political and legal approach affecting Covenant rights: in such a case a full article-by-article report may be required;

New legal or administrative measures may have been introduced which deserve the annexure of texts and judicial or other decisions.

F. Optional protocols

F.1 If the State party has ratified the Optional Protocol and the Committee has issued Views entailing provision of a remedy or expressing any other concern, relating to a communication received under that Protocol, a report should (unless the matter has been dealt with in a previous report) include information about the steps taken to provide a remedy, or meet such a concern, and to ensure that any circumstance thus criticized does not recur.

F.2 If the State party has abolished the death penalty the situation relating to the Second Optional Protocol should be explained.

G. The Committee's consideration of reports

G.1 General

The Committee intends its consideration of a report to take the form of a constructive discussion with the delegation, the aim of which is to improve the situation pertaining to Covenant rights in the State.

G.2 List of issues

On the basis of all information at its disposal, the Committee will supply in advance a list of issues which will form the basic agenda for consideration of the report. The delegation should come prepared to address the list of issues and to respond to further questions from members, with such updated information as may be necessary; and to do so within the time allocated for consideration of the report.

G.3 The State party's delegation

The Committee wishes to ensure that it is able effectively to perform its functions under article 40 and that the reporting State party should obtain the maximum benefit from the

reporting requirement. The State party's delegation should, therefore, include persons who, through their knowledge of and competence to explain the human rights situation in that State, are able to respond to the Committee's written and oral questions and comments concerning the whole range of Covenant rights.

G.4 Concluding observations

Shortly after the consideration of the report, the Committee will publish its concluding observations on the report and the ensuing discussion with the delegation. These concluding observations will be included in the Committee's annual report to the General Assembly; the Committee expects the State party to disseminate these conclusions, in all appropriate languages, with a view to public information and discussion.

G.5 Extra information

G.5.1 Following the submission of any report, subsequent revisions or updating may only be submitted:

(a) No later than 10 weeks prior to the date set for the Committee's consideration of the report (the minimum time required by the United Nations translation services); or,

(b) After that date, provided that the text has been translated by the State party into the working languages of the Committee (currently English, Spanish and French).

If one or other of these courses is not complied with, the Committee will not be able to take an addendum into account. This, however, does not apply to updated annexes or statistics.

G.5.2 In the course of the consideration of a report, the Committee may request or the delegation may offer further information; the secretariat will keep a note of such matters which should be dealt with in the next report.

G.6.1 The Committee may, in a case where there has been a long-term failure by a State party, despite reminders, to submit an initial or a periodic report, announce its intention to examine the extent of compliance with Covenant rights in that State party at a specified future session. Prior to that session it will transmit to the State party appropriate material in its possession. The State party may send a delegation to the specified session, which may contribute to the Committee's discussion, but in any event the Committee may issue provisional concluding observations and set a date for the submission by the State party of a report of a nature to be specified.

G.6.2 In a case where a State party, having submitted a report which has been scheduled at a session for examination, informs the Committee, at a time when it is impossible to schedule the examination of another State party report, that its delegation will not attend the session, the Committee may examine the report on the basis of the list of issues either at that session or at another to be specified. In the absence of a delegation, it may decide either to reach provisional concluding observations, or to consider the report and other material and follow the course in paragraph G.4 above.[2]

H. Format of the report

The distribution of a report, and thus its availability for consideration by the Committee, will be greatly facilitated if:

(a) The paragraphs are sequentially numbered;

(b) The document is written on A4-sized paper;

(c) Is single-spaced; and

(d) Allows reproduction by photo-offset (is on one side only of each sheet of paper).

Notes

[1] E.2 in fine: adopted at the seventieth session.

[2] G.6.1 and 2: adopted during the seventieth session.

Chapter IV

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION*

1. In accordance with article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, each State party has undertaken to submit to the Secretary-General of the United Nations, for consideration by the Committee on the Elimination of Racial Discrimination, a report on the legislative, judicial, administrative or other measures which it has adopted and which give effect to the provisions of the Convention: (a) within one year after the entry into force of the Convention for the State concerned, and (b) thereafter every two years and whenever the Committee so requests. Article 9, paragraph 1, also provides that the Committee may request further information from the States parties.

2. In order to assist the Committee in fulfilling the tasks entrusted to it pursuant to article 9 of the Convention and further to facilitate the task of States parties in the preparation of their reports, the Committee has decided that it would be useful to inform States parties of its wishes regarding the form and content of their reports. Compliance with these guidelines will help to ensure that reports are presented in a uniform manner and enable the Committee and States parties to obtain a complete picture of the situation in each State as regards the implementation of the provisions of the Convention. This will also reduce the need for the Committee to request further information under article 9 and its rules of procedure.

3. It should also be noted, in this connection, that the Committee stated in its general recommendation II of 24 February 1972 that, since all the categories of information requested from States parties refer to obligations undertaken by States parties under the Convention, the

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* Contained in document CERD/C/70/Rev.5, entitled, General guidelines regarding the form and the contents of reports to be submitted by the States parties under article 9, paragraph 1, of the Convention. The present guidelines, adopted by the Committee on the Elimination of Racial Discrimination at its 475th meeting (twenty-fifth session) on 9 April 1980, reflect the additional guidelines adopted at the 571st (twenty-fifth session) on 17 March 1982 and the revisions adopted at its 984th meeting (forty-second session) on 13 March 1993. The revisions adopted in 1993 consisted of the insertion, under Part II, of a new paragraph concerning information on the ethnic characteristics of the country. It should be noted that the Committee, at its 913th meeting (thirty-ninth session) adopted a number of revisions to its general reporting guidelines, including the incorporation of former Part I, paragraph (a), under Part II and the deletion of former Part I, paragraph (c). The Committee's revision, adopted at its 1354th meeting (fifty-fifth session) on 16 August 1999, consisted of the insertion, under Part II, of a new paragraph concerning information on the situation of women. The Committee further amended former Part II, paragraph 10, related to reporting under article 5 of the Convention. The Committee's revision, adopted at its 1429th meeting (fifty-seventh session) on 21 August 2000, consisted of adding references to the general recommendations adopted by the Committee and eliminating the request for information on the status of relations with the racist regimes of southern Africa. Those changes have been reflected in the present document.

necessary information in conformity with these guidelines should be provided by all States parties without distinction, whether or not racial discrimination exists in their respective territories.

4. In selecting information for inclusion in their reports, States parties should bear in mind the definition of the term "racial discrimination" as reflected in article 1, paragraph 1, of the Convention, as well as the provisions of article 1, paragraphs 2, 3 and 4, which refer to situations not considered as racial discrimination.[1]

5. The report should also reflect in all its parts the actual situation as regards the practical implementation of the provisions of the Convention and the progress achieved.

PART I. GENERAL

6. General information on the land and people, general political structure, general legal framework within which human rights are protected and information and publicity should be prepared in accordance with the consolidated guidelines for the initial part of reports of States parties to be submitted under the various international human rights instruments, as contained in document HRI/CORE/1 (see chapter I of the present document).

PART II. INFORMATION RELATING TO ARTICLES 2 TO 7 OF THE CONVENTION

7. Describe briefly the policy of eliminating racial discrimination in all its forms and the general legal framework within which racial discrimination as defined in article 1, paragraph 1, of the Convention is prohibited and eliminated in the reporting State, and the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life are promoted and protected.

8. The ethnic characteristics of the country are of particular importance in connection with the International Convention on the Elimination of All Forms of Racial Discrimination.[2] Many States consider that, when conducting a census, they should not draw attention to factors like race lest this reinforce divisions they wish to overcome. If progress in eliminating discrimination based on race, colour, descent, national and ethnic origin is to be monitored, some indication is needed of the number of persons who could be treated less favourably on the basis of these characteristics. States which do not collect information on these characteristics in their censuses are therefore requested to provide information on mother tongues (as requested in paragraph 1 of HRI/CORE/1) as indicative of ethnic differences, together with any information about race, colour, descent, national and ethnic origins derived from social surveys. In the absence of quantitative information, a qualitative description of the ethnic characteristics of the population should be supplied. The remainder of this part should provide specific information in relation to articles 2 to 7, in accordance with the sequence of those articles and their respective provisions.

9. The inclusion of information on the situation of women is important for the Committee to consider whether racial discrimination has an impact upon women different from that upon men, in conformity with general recommendation XXV on gender-related dimensions of racial discrimination (2000). Reporting officers are asked to describe, as far as possible in quantitative and qualitative terms, factors affecting and difficulties experienced in ensuring for women the

equal enjoyment, free from racial discrimination, of rights under the Convention. It is also difficult to protect against racial discrimination the rights of persons, both women and men, who belong to any vulnerable groups, such as indigenous peoples, migrants, and those in the lowest socio-economic categories. Members of such groups often experience complex forms of disadvantage which persist over generations and in which racial discrimination is mixed with other causes of social inequality. Reporting officers are asked to bear in mind the circumstances of such persons, and to cite any available social indictors of forms of disadvantage that may be linked with racial discrimination.

10. The Committee requests States parties to incorporate in this part, under the appropriate headings, the texts of the relevant laws, judicial decisions and regulations referred to therein, as well as all other elements which they consider essential for the Committee's consideration of their reports.

11. The information should be arranged as follows:

Article 2

A. Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 2, paragraph 1, of the Convention, in particular:

1. Measures taken to give effect to the undertaking to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;

2. Measures taken to give effect to the undertaking not to sponsor, defend or support racial discrimination by any persons or organizations;

3. Measures taken to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;

4. Measures taken to give effect to the undertaking to prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;

5. Measures taken to give effect to the undertaking to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.

B. Information on the special and concrete measures taken in the social, economic, cultural and other fields to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms, in accordance with article 2, paragraph 2, of the Convention.

Article 3

Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 3 of the Convention, in particular, to the condemnation of racial segregation and apartheid and to the undertaking to prevent, prohibit and eradicate all practices of this nature in territories under the jurisdiction of the reporting State.[3]

Article 4

A. Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 4 of the Convention, in particular measures taken to give effect to the undertaking to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, racial discrimination,[4] in particular:

1. To declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

2. To declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and to recognize participation in such organizations or activities as an offence punishable by law;

3. Not to permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

B. Information on appropriate measures taken to give effect to general recommendations I of 1972, VII of 1985 and XV of 1993, on article 4 of the Convention, by which the Committee recommended that the States parties whose legislation was deficient in respect of the implementation of article 4 should consider, in accordance with their national legislative procedures, the question of supplementing their legislation with provisions conforming to the requirements of article 4 (a) and (b) of the Convention.

C. Information in response to Decision 3 (VII) adopted by the Committee on 4 May 1973 by which the Committee requested the States parties:

1. To indicate what specific penal internal legislation designed to implement the provisions of article 4 (a) and (b) has been enacted in their respective countries and to transmit to the Secretary-General in one of the official languages the texts concerned, as well as such provisions of general penal law as must be taken into account when applying such specific legislation;

2. Where no such specific legislation has been enacted, to inform the Committee of the manner, and the extent to which the provisions of the existing penal laws, as applied by the courts, effectively implement their obligations under article 4 (a) and (b), and to transmit to the Secretary-General in one of the official languages the texts of those provisions.

Article 5

Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 5 of the Convention, taking into consideration general recommendations XX on article 5 of the Convention (1996) and XXII regarding refugees and other displaced persons (1996), in particular, measures taken to prohibit racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law notably in the enjoyment of the rights listed. The Committee will wish to ascertain to what extent all persons within the State's jurisdiction, and particularly members of vulnerable groups, enjoy these rights in practice free from racial discrimination. In many States there will be no quantitative data relevant to the enjoyment of these rights; in such circumstances it may be appropriate to report the opinions of representatives of disadvantaged groups.

A. The right to equal treatment before the tribunals and all other organs administering justice:

> This part of the report is the place in which to provide any information on the training and supervision of law enforcement officials and judicial officers in the avoidance of racial discrimination, together with information on measures for the investigation of complaints.

B. The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution:

> Information on the incidence of racially motivated criminal offences, their investigation and punishment, should be reported in this section.

C. Political rights:

> Information on the means for guaranteeing these rights, and on their enjoyment in practice, should be reported. For example, do members of indigenous peoples and persons of different ethnic or national origin exercise such rights to the same extent as the rest of the population? Are they proportionately represented in the legislature?

D. Other civil rights:

> Certain of these rights (e.g. freedom of expression and assembly) have at times to be balanced against the right to protection from racial discrimination. Any problems in this connection should be reported.

E. Economic, social and cultural rights, in particular:

1. The right to work, and

2. The right to form and join trade unions.

Circumstances vary greatly between different regions of the world, but it will help the Committee if at this point the report can (a) briefly describe employment in the State, in what industries, public or private, and whether persons of different ethnic or national origin are concentrated in particular forms of employment, or are unemployed; (b) describe governmental action to prevent racial discrimination in the enjoyment of the right to work; (c) indicate the extent to which these rights are enjoyed in practice.

3. The right to housing.

It will help the Committee if the report can (a) describe the housing markets in the State, public and private, owner-occupied or rented, and whether ethnic groups are concentrated in particular sectors or tend to concentrate in particular localities; (b) describe governmental action to prevent racial discrimination by those who rent or sell houses or apartments; (c) indicate the extent to which the right to housing without discrimination is enjoyed in practice.

4. The right to public health, medical care, social security and social services.

Different ethnic groups within the population may have different needs for health and social services. It will help the Committee if the report can (a) describe any such differences; (b) describe governmental action to secure the equal provision of these services.

5. The right to education and training.

It will help the Committee if the report can (a) indicate any variations in the levels of educational and training attainment between members of different ethnic groups; (b) describe governmental action to prevent racial discrimination in the enjoyment of these rights, bearing in mind the Committee's general recommendation XIX.

6. The right to equal participation in cultural activities.

In some countries it may be appropriate to report on access to sporting facilities and on the prevention of ethnic hostility in competitive sports. Since the adoption of the Convention in 1965 many countries have experienced a great increase in the power of the mass media (press, radio, television) to shape popular images of other ethnic groups and to report on events in ways that may promote either peaceful relations or racial hatred. Negative images can hinder equal participation in all fields of public life. Governmental oversight of any such tendencies may be described in this section of a State report.

7. The right of access to places of service.

In many countries complaints are voiced about racial discrimination that denies the right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafés, theatres and parks. Governmental action to prevent such discrimination, and its effectiveness, should be described here.

Article 6

A. Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 6 of the Convention, in particular, measures taken to assure to everyone within the jurisdiction of the reporting State effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms;

B. Measures taken to assure to everyone the right to seek from such tribunals just and adequate reparation or satisfaction for any damage as a result of such discrimination;

C. Information on the practice and decisions of the courts and other judicial and administrative organs relating to cases of racial discrimination as defined under article 1 of the Convention;

D. Information in connection with general recommendation XXVI on article 6 of the Convention (2000).

Article 7

Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 7 of the Convention, to general recommendation V of 13 April 1977 and to decision 2 (XXV) of 17 March 1982, by which the Committee adopted its additional guidelines for the implementation of article 7.

In particular, the reports should provide as much information as possible on each of the main subjects mentioned in article 7 under the following separate headings:

A. Education and teaching;

B. Culture;

C. Information.

Within these broad parameters, the information provided should reflect the measures taken by the States parties:

1. To combat prejudices which lead to racial discrimination;

2. To promote understanding, tolerance and friendship among nations and racial and ethnic groups.

A. Education and teaching

This part should describe legislative and administrative measures, including some general information on the educational system, taken in the field of education and teaching to combat racial prejudices which lead to racial discrimination. It should indicate whether any steps have been taken to include in school curricula and in the training of teachers and other professionals, programmes and subjects to help promote human rights issues which would lead to better understanding, tolerance and friendship among nations and racial or ethnic groups. It should also provide information on whether the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and the International Convention on the Elimination of All Forms of Racial Discrimination are included in education and teaching.

B. Culture

Information should be provided in this part of the report on the role of institutions or associations working to develop national culture and traditions, to combat racial prejudices and to promote intra-national and intra-cultural understanding, tolerance and friendship among nations and racial or ethnic groups. Information should also be included on the work of solidarity committees or United Nations Associations to combat racism and racial discrimination and the observance by States parties of Human Rights Days or campaigns against racism and apartheid.

C. Information

This part should provide information:

(a) On the role of State media in the dissemination of information to combat racial prejudices which lead to racial discrimination and to inculcate better understanding of the purposes and principles of the above-mentioned instruments;

(b) On the role of the mass information media, i.e. the press, radio and television, in the publicizing of human rights and disseminating information on the purposes and principles of the above-mentioned human rights instruments.

12. If needed, the reports should be accompanied by sufficient copies in one of the working languages (English, French, Russian or Spanish) of all other supplementary documentation which the reporting States may wish to have distributed to all members of the Committee in connection with their reports.

13. On the basis of reports already submitted and those prepared and submitted according to the above guidelines, the Committee is confident that it will be enabled to develop or continue a constructive and fruitful dialogue with each State party for the purpose of the implementation of the Convention and thereby to contribute to mutual understanding and peaceful and friendly relations among nations in accordance with the Charter of the United Nations.

Notes

[1] See the following general recommendations of the Committee: VIII concerning the interpretation and application of article 1, paragraphs 1 and 4, of the Convention (1990); XI on non-citizens (1993); XIV on article 1, paragraph 1, of the Convention (1993); and XXIV concerning article 1 of the Convention. A compilation of general recommendations and decisions is contained in document CERD/C/365/Rev.1.

[2] See general recommendations IV on article 9 of the Convention (1993); VIII concerning the interpretation and application of article 1, paragraphs 1 and 4, of the Convention (1990) and XXIV concerning article 1 of the Convention (1999).

[3] See general recommendations III (1972), now obsolete, and XIX (1995) on article 3 of the Convention.

[4] With due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention.

Chapter V

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

A. Introduction

A.1. These guidelines replace all earlier reporting guidelines issued by the Committee on the Elimination of Discrimination against Women (CEDAW/C/7/Rev.3), which may now be disregarded. The present guidelines do not affect the Committee's procedure in relation to any exceptional reports which may be requested which are governed by the Rule 48.5 of the Committee's Rules of Procedure and its Decision 21/I on exceptional reports.

A.2. These guidelines will be effective for all reports to be submitted after 31 December 2002.

A.3. The guidelines should be followed by States parties in the preparation of initial and all subsequent periodic reports.

A.4. Compliance with these guidelines will reduce the need for the Committee to request further information when it proceeds to consider a report; it will also help the Committee to consider the situation regarding human rights in every State party on an equal basis.

B. Framework of the Convention concerning reports

B.1. Every State party, upon ratifying or acceding to the Convention, undertakes, under article 18, to submit, within a year of the Convention's entry into force for that State, an initial report on the legislative, judicial, administrative or other measures it has adopted to give effect to the provisions of the Convention and progress made in this respect; and thereafter periodic reports at least every four years and further whenever the Committee so requests.

C. General guidance for contents of all reports

C.1. The articles and the Committee's general recommendations. The terms of the articles in Parts I, II, III and IV of the Convention must, together with general recommendations adopted by the Committee on any such article, or on a theme addressed by the Convention, be taken into account in preparing the report.

C.2. Reservations and declarations. Any reservation to or declaration as to any article of the Convention by the State party should be explained and its continued maintenance justified. Taking account of the Committee's statement on reservations adopted at its nineteenth session (see A/53/38/Rev.1, part two, chap. I, sect. A), the precise effect of any reservation or declaration in terms of national law and policy should be explained. States parties that have entered general reservations which do not refer to a specific article, or which are directed at articles 2 and/or 3 should report on the effect and the interpretation of those reservations. States parties should provide information on any reservations or declarations they may have lodged with regard to similar obligations in other human rights treaties.

C.3. Factors and difficulties. Article 18.2 of the Convention provides that factors and difficulties affecting the degree of fulfilment of obligations under the Convention may be

indicated. A report should explain the nature and extent of, and reasons for every such factor and difficulty, if any such exist; and should give details of the steps being taken to overcome them.

C.4. Data and statistics. A report should include sufficient data and statistics disaggregated by sex relevant to each article and the general recommendations of the Committee to enable it to assess progress in the implementation of the Convention.

C.5. Core document. Where the State party has already prepared a core document, this will be available to the Committee. It should be updated as necessary in the report, particularly as regards "General legal framework" and "Information and publicity" (HRI/CORE/1, annex).

D. The initial report

D.1. General

D.1.1. This report is the State party's first opportunity to present to the Committee the extent to which its laws and practices comply with the Convention which it has ratified. The report should:

(a) Establish the constitutional, legal and administrative framework for the implementation of the Convention;

(b) Explain the legal and practical measures adopted to give effect to the provisions of the Convention;

(c) Demonstrate the progress made in ensuring enjoyment of the provisions of the Convention by the people within the State party and subject to its jurisdiction.

D.2. Contents of the report

D.2.1. A State party should deal specifically with every article in Parts I, II, III and IV of the Convention; legal norms should be described, but that is not sufficient: the factual situation and the practical availability, effect and implementation of remedies for violation of provisions of the Convention should be explained and exemplified.

D.2.2. The report should explain:

(1) Whether the Convention is directly applicable in domestic law on ratification, or has been incorporated into the national Constitution or domestic law so as to be directly applicable;

(2) Whether the provisions of the Convention are guaranteed in a Constitution or other laws and to what extent; or if not, whether its provisions can be invoked before and given effect to by courts, tribunals and administrative authorities;

(3) How article 2 of the Convention is applied, setting out the principal legal measures which the State party has taken to give effect to Convention rights; and the range of remedies available to persons whose rights may have been violated.

D.2.3. Information should be given about the judicial, administrative and other competent authorities having jurisdiction with respect to the implementation of the provisions of the Convention.

D.2.4. The report should include information about any national or official institution or machinery which exercises responsibility in implementing the provisions of the Convention or in responding to complaints of violations of those provisions, and give examples of their activities in this respect.

D.2.5. The report should outline any restrictions or limitations, even of a temporary nature, imposed by law, practice or tradition, or in any other manner on the enjoyment of each provision of the Convention.

D.2.6. The report should describe the situation of non-governmental organizations and women's associations and their participation in the implementation of the Convention and the preparation of the report.

D.3. Annexes to the report

D.3.1. The report should contain sufficient quotations from or summaries of the relevant principal constitutional, legislative and other texts which guarantee and provide remedies in relation to Convention rights.

D.3.2. The reports should be accompanied by these texts, which will not be translated or copied, but will be made available to the Committee.

E. Subsequent periodic reports

E.1. In general, the subsequent periodic reports of States parties should focus on the period between the consideration of their previous report and the presentation of the current reports. There should be two starting points for such reports:

(a) The concluding comments (particularly "Concerns" and "Recommendations") on the previous report;

(b) An examination by the State party of the progress made towards and the current implementation of the Convention within its territory or jurisdiction and the enjoyment of its provisions by those within its territory or jurisdiction.

E.2. Periodic reports should be structured so as to follow the articles of the Convention. If there is nothing new to report under any article, it should be so stated. Periodic reports should also highlight any remaining obstacle to the participation of women on an equal basis with men in the political, social, economic and cultural life of the State party.

E.3. The State party should refer again to the guidance on initial reports and on annexes, insofar as these may also apply to periodic reports.

E.4. There may be circumstances where the following matters should be addressed:

(a) A fundamental change may have occurred in the State party's political and legal approach affecting Convention implementation: in such a case a full article-by-article report may be required;

(b) New legal or administrative measures may have been introduced which require the annexure of texts, and judicial or other decisions.

F. Optional Protocol

F.1. If the State party has ratified or acceded to the Optional Protocol and the Committee has issued Views entailing provision of a remedy or expressing any other concern, relating to a communication received under that Protocol, a report should include information about the steps taken to provide a remedy, or meet such a concern, and to ensure that any circumstance giving rise to the communication does not recur.

F.2. If the State party has ratified or acceded to the Optional Protocol and the Committee has conducted an inquiry under article 8 of the Optional Protocol, a report should include details of any measures taken in response to an inquiry, and to ensure that the violations giving rise to the inquiry do not recur.

G. Measures to implement outcomes of United Nations conferences, summits and reviews

G.1. In the light of paragraph 323 of the Beijing Platform for Action, adopted at the Fourth World Conference on Women, in September 1995, initial and subsequent reports of States parties should contain information on the implementation of the actions to be taken in regard to the 12 critical areas of concern identified in the Platform. Reports should also contain information on the implementation of the Further actions and initiatives to implement the Beijing Declaration and Platform for Action agreed by the twenty-third special session of the General Assembly, "Women 2000: gender equality, development and peace for the twenty-first session" in June 2000.

G.2. Taking into account the gender dimensions of declarations, platforms and programmes of action adopted by relevant United Nations conferences, summits and special sessions of the General Assembly (such as the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), reports should include information on the implementation of specific aspects of these documents which relate to specific articles of the Convention in the light of the subjects with which they deal (for example, migrant women or older women).

H. The Committee's consideration of reports

H.1. General

H.1.1. The Committee intends its consideration of a report to take the form of a constructive discussion with the delegation, the aim of which is to improve the situation pertaining to Convention rights in the State.

H.2. List of issues and questions with respect to periodic reports

H.2.1. On the basis of all information at its disposal, the Committee will supply in advance a list of issues or questions which will form the basic agenda for consideration of periodic reports. Written answers to the list of issues of questions will be required from the State party several months in advance of the session at which the report will be considered. The delegation should come prepared to address the list of issues and to respond to further questions from members, with such updated information as may be necessary; and to do so within the time allocated for consideration of the report.

H.3. The State party's delegation

H.3.1. The Committee wishes to ensure that it is able effectively to perform its functions under article 18 and that the reporting State party should obtain the maximum benefit from the reporting requirement. The State party's delegation should therefore include persons who, through their knowledge of and competence to explain the human rights situation in that State, are able to respond to the Committee's written and oral questions and comments concerning the whole range of the Convention's provisions.

H.4. Concluding comments

H.4.1. Shortly after the consideration of the report, the Committee will publish its concluding comments on the report and the constructive dialogue with the delegation. These concluding comments will be included in the Committee's annual report to the General Assembly; the Committee expects the State party to disseminate these conclusions, in all appropriate languages, with a view to public information and discussion.

H.5. Extra information

H.5.1. In the course of its consideration of a report, the Committee may request, or the delegation may offer, further information; the secretariat will keep a note of such matters, which should be dealt with in the subsequent report.

I. Format of the report

I.1. Reports should be submitted in one of the six official languages of the United Nations (Arabic, Chinese, English, French, Spanish or Russian). They should be submitted in hard and electronic form.

I.2. Reports should be as concise as possible. Initial reports should be no more than 100 pages; periodic reports should be no more than 70 pages.

I.3. Paragraphs should be sequentially numbered.

I.4. The document should be on A4-sized paper; and presented in single-spaced format.

I.5. The document should be printed on one side of each sheet of paper so as to allow for reproduction by photo-offset.

Chapter VI

COMMITTEE AGAINST TORTURE

A. Initial reports*

PART I. INFORMATION OF A GENERAL NATURE

This part should:

(a) Describe briefly the general legal framework within which torture as defined in article 1, paragraph 1, of the Convention as well as other cruel, inhuman or degrading treatment or punishment are prohibited and eliminated in the reporting State;

(b) Indicate whether the reporting State is a party to an international instrument or had national legislation which does or may contain provisions of wider application than those provided for under the Convention;

(c) Indicate what judicial, administrative or other competent authorities have jurisdiction over matters dealt with in the Convention and provide information on cases actually dealt with by those authorities during the reporting period;

(d) Describe briefly the actual situation as regards the practical implementation of the Convention in the reporting State and indicate any factors and difficulties affecting the degree of fulfilment of the obligations of the reporting State under the Convention.

PART II. INFORMATION IN RELATION TO EACH OF THE ARTICLES IN PART I OF THE CONVENTION

This part should provide specific information relating to the implementation by the reporting State of articles 2 to 16 of the Convention, in accordance with the sequence of those articles and their respective provisions. It should include in relation to the provisions of each article:

(a) The legislative, judicial, administrative or other measures in force which give effect to those provisions;

(b) Any factors or difficulties affecting the practical implementation of those provisions;

(c) Any information on concrete cases and situations where measures giving effect to those provisions have been enforced including any relevant statistical data.

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* Contained in CAT/C/4/Rev.2 entitled General guidelines regarding the form and content of initial reports to be submitted by States parties under article 19, paragraph 1, of the Convention. The guidelines were adopted by the Committee at its 82nd meeting (sixth session) on 26 April 1991.

The report should be accompanied by sufficient copies in one of the working languages (English, French, Russian or Spanish) of the principal legislative and other texts referred to in the report. These will be made available to members of the Committee. It should be noted, however, that they will not be reproduced for general distribution with the report. It is desirable therefore that, when a text is not actually quoted in or annexed to the report itself, the report should contain sufficient information to be understood without reference to it. The text of national legislative provisions relevant to the implementation of the Convention should be quoted in the report.

B. Periodic reports*

Periodic reports by States parties should be presented in three parts, as follows:

PART I. INFORMATION ON NEW MEASURES AND NEW DEVELOPMENTS RELATING TO THE IMPLEMENTATION OF THE CONVENTION FOLLOWING THE ORDER OF ARTICLES 1 TO 16, AS APPROPRIATE

(a) This part should describe in detail:

(i) Any new measures taken by the State party to implement the Convention during the period extending from the date of submission of its previous report to the date of submission of the periodic report to be considered by the Committee;

(ii) Any new developments which have occurred during the same period and are relevant to implementation of the Convention;

(b) The State party should provide, in particular, information concerning:

(i) Any change in the legislation and in institutions that affect the implementation of the Convention on any territory under its jurisdiction in particular on places of detention and on training given to law enforcement and medical personnel;

(ii) Any new case law of relevance for the implementation of the Convention;

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* Contained in CAT/C/14/Rev.1 entitled General guidelines regarding the form and content of periodic reports to be submitted by States parties under article 19, paragraph 1, of the Convention, which were adopted by the Committee against Torture at its 85th meeting (sixth session) on 30 April 1991 and revised at its 318th meeting (twentieth session) on 18 May 1998.

(iii) Complaints, inquiries, indictments, proceedings, sentences, reparation and compensation for acts of torture and other cruel, inhuman or degrading treatment or punishment;

(iv) Any difficulty which would prevent the State party from fully discharging the obligations it has assumed under the Convention.

PART II. ADDITIONAL INFORMATION REQUESTED BY THE COMMITTEE

This part should contain any information requested by the Committee and not provided by the State party, during the Committee's consideration of the State party's preceding report. If the information has been provided by the State party, either in a subsequent communication or in an additional report submitted in accordance with rule 67, paragraph 2, of the Committee's rules of procedure, the State party does not need to repeat it.

PART III. COMPLIANCE WITH THE COMMITTEE'S CONCLUSIONS AND RECOMMENDATIONS

This part should provide information on measures taken by the State party to comply with the conclusions and recommendations addressed to it by the Committee at the end of its consideration of the State party's initial and periodic reports.

Chapter VII

COMMITTEE ON THE RIGHTS OF THE CHILD

A. Initial reports*

Introduction

1. Article 44, paragraph 1, of the Convention on the Rights of the Child provides that "States parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized therein and on the progress made in the enjoyment of those rights:

(a) Within two years of the entry into force of the Convention for the State party concerned,

(b) Thereafter every five years."

2. Article 44 of the Convention further provides, in paragraph 2, that reports submitted to the Committee on the Rights of the Child shall indicate factors and difficulties, if any, affecting the fulfilment of the obligations under the Convention and shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

3. The Committee believes that the process of preparing a report for submission to the Committee offers an important occasion for conducting a comprehensive review of the various measures undertaken to harmonize national law and policy with the Convention and to monitor progress made in the enjoyment of the rights set forth in the Convention. Additionally, the process should be one that encourages and facilitates popular participation and public scrutiny of government policies.

4. The Committee considers that the reporting process entails an ongoing reaffirmation by States parties of their commitment to respect and ensure observance of the rights set forth in the Convention and serves as the essential vehicle for the establishment of a meaningful dialogue between the States parties and the Committee.

5. The general part of States parties' reports, relating to matters that are of interest to monitoring bodies under various international human rights instruments, should be prepared in accordance with the "Consolidated guidelines for the initial part of the reports of States parties". The present guidelines should be followed in the preparation of the initial reports of States parties relating to the implementation of the Convention on the Rights of the Child.

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* Contained in CRC/C/5 entitled General guidelines regarding the form and content of initial reports to be submitted by States parties under article 44, paragraph 1 (a), of the Convention, which were adopted by the Committee on the Rights of the Child at its 22nd meeting (first session) on 15 October 1991.

6. The Committee intends to formulate guidelines for the preparation of periodic reports that are to be submitted pursuant to article 44, paragraph 1 (b), of the Convention in due course.

7. Reports should be accompanied by copies of the principal legislative and other texts as well as detailed statistical information and indicators referred to therein, which will be made available to members of the Committee. It should be noted, however, that for reasons of economy they will not be translated or reproduced for general distribution. It is desirable, therefore, that when a text is not actually quoted in or annexed to the report itself, the report should contain sufficient information to be understood without reference to those texts.

8. The provisions of the Convention have been grouped under different sections, equal importance being attached to all the rights recognized by the Convention.

General measures of implementation

9. Under this section, States parties are requested to provide relevant information pursuant to article 4 of the Convention, including information on:

(a) The measures taken to harmonize national law and policy with the provisions of the Convention; and

(b) Existing or planned mechanisms at national or local level for coordinating policies relating to children and for monitoring the implementation of the Convention.

10. In addition, States parties are requested to describe the measures that have been taken or are foreseen, pursuant to article 42 of the Convention, to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

11. States parties are also requested to describe those measures undertaken or foreseen, pursuant to article 44, paragraph 6, of the Convention, to make their reports widely available to the public at large in their own countries.

Definition of the child

12. Under this section, States parties are requested to provide relevant information, pursuant to article 1 of the Convention, concerning the definition of a child under their laws and regulations. In particular, States parties are requested to provide information on the age of attainment of majority and on the legal minimum ages established for various purposes, including, inter alia, legal or medical counselling without parental consent, end of compulsory education, part-time employment, full-time employment, hazardous employment, sexual consent, marriage, voluntary enlistment into the armed forces, conscription into the armed forces, voluntarily giving testimony in court, criminal liability, deprivation of liberty, imprisonment and consumption of alcohol or other controlled substances.

General principles

13. Relevant information, including the principal legislative, judicial, administrative or other measures in force or foreseen, factors and difficulties encountered and progress achieved in implementing the provisions of the Convention, and implementation priorities and specific goals for the future should be provided in respect of:

(a) Non-discrimination (art. 2);

(b) Best interests of the child (art. 3);

(c) The right to life, survival and development (art. 6);

(d) Respect for the views of the child (art. 12).

14. In addition, States parties are encouraged to provide relevant information on the application of these principles in the implementation of articles listed elsewhere in these guidelines.

Civil rights and freedoms

15. Under this section States parties are requested to provide relevant information, including the principal legislative, judicial, administrative or other measures in force; factors and difficulties encountered and progress achieved in implementing the relevant provisions of the Convention; and implementation priorities and specific goals for the future in respect of:

(a) Name and nationality (art. 7);

(b) Preservation of identity (art. 8);

(c) Freedom of expression (art. 13);

(d) Access to appropriate information (art. 17);

(e) Freedom of thought, conscience and religion (art. 14);

(f) Freedom of association and of peaceful assembly (art. 15);

(g) Protection of privacy (art. 16);

(h) The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a)).

Family environment and alternative care

16. Under this section, States parties are requested to provide relevant information, including the principal legislative, judicial, administrative or other measures in force, particularly how the principles of the "best interests of the child" and "respect for the views of the child" are reflected

therein; factors and difficulties encountered and progress achieved in implementing the relevant provisions of the Convention; and implementation of priorities and specific goals for the future in respect of:

(a) Parental guidance (art. 5);

(b) Parental responsibilities (art. 18, paras. 1-2);

(c) Separation from parents (art. 9);

(d) Family reunification (art. 10);

(e) Recovery of maintenance for the child (art. 27, para. 4);

(f) Children deprived of a family environment (art. 20);

(g) Adoption (art. 21);

(h) Illicit transfer and non-return (art. 11);

(i) Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39);

(j) Periodic review of placement (art. 25).

17. In addition, States parties are requested to provide information on the numbers of children per year within the reporting period in each of the following groups, disaggregated by age group, sex, ethnic or national background and rural or urban environment: homeless children, abused or neglected children taken into protective custody, children placed in foster care, children place in institutional care, children placed through domestic adoption, children entering the country through intercountry adoption procedures and children leaving the country through intercountry adoption procedures.

18. States parties are encouraged to provide additional relevant statistical information and indicators relating to children covered in this section.

Basic health and welfare

19. Under this section States parties are requested to provide relevant information, including the principal legislative, judicial, administrative or other measures in force; the institutional infrastructure for implementing policy in this area, particularly monitoring strategies and mechanisms; and factors and difficulties encountered and progress achieved in implementing the relevant provisions of the Convention, in respect of:

(a) Survival and development (art. 6, para. 2);

(b) Disabled children (art. 23);

(c) Health and health services (art. 24);

(d) Social security and child care services and facilities (arts. 26 and 18, para. 3);

(e) Standard of living (art. 27, paras. 1-3).

20. In addition to information provided under paragraph 9 (b) of these guidelines, States parties are requested to specify the nature and extent of cooperation with local and national organizations of a governmental or non-governmental nature, such as institutions of social workers, concerning the implementation of this area of the Convention. States parties are encouraged to provide additional relevant statistical information and indicators relating to children covered in this section.

Education, leisure and cultural activities

21. Under this section States parties are requested to provide relevant information, including the principal legislative, judicial, administrative or other measures in force; the institutional infrastructure for implementing policy in this area, particularly monitoring strategies and mechanisms; and factors and difficulties encountered and progress achieved in implementing the relevant provisions of the Convention, in respect of:

(a) Education, including vocational training and guidance (art. 28);

(b) Aims of education (art. 29);

(c) Leisure, recreation and cultural activities (art. 31).

22. In addition to information provided under paragraph 9 (b) of these guidelines, States parties are requested to specify the nature and extent of cooperation with local and national organizations of a governmental or non-governmental nature, such as institutions of social workers, concerning the implementation of this area of the Convention. States parties are encouraged to provide additional relevant statistical information and indicators relating to children covered in this section.

Special protection measures

23. Under this section States parties are requested to provide relevant information, including the principal legislative, judicial, administrative or other measures in force; factors and difficulties encountered and progress achieved in implementing the relevant provisions of the Convention; and implementation priorities and specific goals for the future in respect of:

(a) Children in situations of emergency

(i) Refugee children (art. 22);

(ii) Children in armed conflicts (art. 38), including physical and psychological recovery and social reintegration (art. 39);

(b) Children in conflict with the law

(i) The administration of juvenile justice (art. 40);

(ii) Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37 (b), (c) and (d));

(iii) The sentencing of juveniles, in particular the prohibition of capital punishment and life imprisonment (art. 37 (a));

(iv) Physical and psychological recovery and social reintegration (art. 39);

(c) Children in situations of exploitation, including physical and psychological recovery and social reintegration (art. 39):

(i) Economic exploitation, including child labour (art. 32);

(ii) Drug abuse (art. 33);

(iii) Sexual exploitation and sexual abuse (art. 34);

(iv) Other forms of exploitation (art. 36);

(v) Sale, trafficking and abduction (art. 35);

(d) Children belonging to a minority or an indigenous group (art. 30).

24. Additionally, States parties are encouraged to provide specific statistical information and indicators relevant to the children covered by paragraph 23.

B. Periodic reports*

Introduction

1. Pursuant to article 44, paragraph 1 of the Convention on the Rights of the Child, States parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the implementation of the Convention:

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* Contained in CRC/C/58 entitled General guidelines regarding the form and content of periodic reports to be submitted by States parties under article 44, paragraph 1 (b), of the Convention, which were adopted by the Committee on the Rights of the Child at its 343rd meeting (thirteenth session) on 11 October 1996.

(a) Within two years of the entry into force of the Convention for the State party concerned;

(b) Thereafter every five years.

Reports should provide information on the measures adopted by the State party to give effect to the rights set forth in the Convention and on the progress made in the enjoyment of those rights and should indicate the factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the Convention. The Committee, in providing these guidelines, wishes to emphasize its supportive role in fostering effective implementation of the Convention and in encouraging international cooperation, as called for in article 45. Reports should also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

2. The Committee may, in the light of article 44, paragraph 4 of the Convention, request from States parties further information relevant to the implementation of the Convention.

3. The Committee believes that the process of preparing a report for submission to the Committee provides an important opportunity to conduct a comprehensive review of the various measures undertaken to harmonize law and policy with the Convention and to monitor progress made in the enjoyment of the rights set forth in the Convention. Such a process should encourage and facilitate popular participation and public scrutiny of government policies.

4. The Committee considers that the reporting process entails an ongoing reaffirmation by States parties of their commitment to respect and ensure observance of the rights enshrined in the Convention and serves as the essential vehicle for the establishment of a meaningful dialogue between the Committee and the States parties.

5. Periodic reports on the implementation of the Convention should provide information with respect to the period covered by the report on:

> The measures adopted by the State party, including the conclusion of and accession to bilateral and multilateral agreements in the field of children's rights, and changes which have occurred in legislation and practice at the national, regional and local levels, and where appropriate at the federal and provincial levels, such as:
>
> > Mechanisms and structures to coordinate and monitor efforts to implement the Convention;
> >
> > Overall or sectoral policies, programmes and services developed to implement the Convention;
>
> The progress achieved in the enjoyment of children's rights;
>
> The factors and difficulties encountered in the full implementation of the rights set forth in the Convention and on steps taken to overcome them;
>
> The plans envisaged to improve further the realization of the rights of the child.

6. Periodic reports should include information on the consideration given to the concluding observations adopted by the Committee in relation to the previous report, including on:

The areas of concern identified by the Committee, as well as difficulties which may have affected the realization of such suggestions and recommendations;

The measures adopted as a follow-up to the suggestions and recommendations addressed by the Committee to the State party upon examination of its previous report. Steps taken to implement should be identified in relation to each suggestion and recommendation and all relevant action taken should be specified including in relation to legislation, policy, mechanisms, structures and allocation of resources;

The difficulties which may have affected the realization of such suggestions and recommendations;

The steps taken to widely disseminate the previous report, as well as the concluding observations adopted by the Committee.

7. Reports should be accompanied by copies of the principal legislative texts and judicial decisions, as well as detailed statistical information, indicators referred to therein and relevant research. This accompanying material will be made available to the members of the Committee. Quantitative information should indicate variations between various areas of the country and within areas and between groups of children and include:

Changes in the status of children;

Variations by age, gender, region, rural/urban area, and social and ethnic group;

Changes in community systems serving children;

Changes in budget allocation and expenditure for sectors serving children;

Changes in the extent of international cooperation received or contributed for the realization of children's rights.

It should be noted, however, that for reasons of economy, these documents will not be translated or reproduced for general distribution. It is desirable, therefore, that when a text is not actually quoted in or annexed to the report itself, the report should contain sufficient information to be clearly understood without reference to those texts.

8. In the light of article 44, paragraph 3, of the Convention, when a State party has submitted a comprehensive initial report to the committee or has previously provided detailed information to the committee, it need not repeat such basic information in its subsequent reports. It should, however, clearly reference the information previously transmitted, and indicate the changes that have occurred during the reporting period.

9. In the present guidelines the provisions of the Convention have been grouped in clusters with a view to assisting States parties in the preparation of their reports. This approach reflects the Convention's holistic perspective of children's rights: that they are indivisible and interrelated, and that equal importance should be attached to each and every right recognized therein.

10. Information provided in States parties' reports on the various sections identified by the Committee should closely follow the present guidelines with regard to content.

I. GENERAL MEASURES OF IMPLEMENTATION (arts. 4, 42 and 44, para. 6 of the Convention)

See paragraph 8 above.

11. In the spirit of the World Conference on Human Rights, which encouraged States to consider reviewing any reservation with a view to withdrawing it (see A/CONF.157/23, Part II, paras. 5 and 46), please indicate whether the Government considers it necessary to maintain the reservations it has made, if any, or has the intention of withdrawing them.

12. States parties are requested to provide relevant information pursuant to article 4 of the Convention, including information on the measures adopted to bring national legislation and practice into full conformity with the principles and provisions of the Convention, together with details of:

Any comprehensive review of the domestic legislation to ensure compliance with the Convention;

Any new laws or codes adopted, as well as amendments introduced into domestic legislation to ensure implementation of the Convention.

13. Please indicate the status of the Convention in domestic law:

With respect to recognition in the Constitution or other national legislation of the rights set forth in the Convention;

With respect to the possibility for the provisions of the Convention to be directly invoked before the courts and applied by the national authorities;

In the event of a conflict with national legislation.

14. In the light of article 41 of the Convention, please indicate any provisions of the national legislation which are more conducive to the realization of the rights of the child.

15. Please provide information on judicial decisions applying the principles and provisions of the Convention.

16. Please provide information on remedies available in cases of violation of the rights recognized by the Convention.

17. Please indicate any steps taken or envisaged to adopt a comprehensive national strategy for children in the framework of the Convention, such as a national plan of action on children's rights and relevant goals established.

18. Please provide information on existing or planned mechanisms at the national, regional and local levels, and when relevant at the federal and provincial levels, for ensuring implementation of the Convention, for coordinating policies relevant to children and for monitoring progress achieved, including information on:

> The governmental departments competent in the areas covered by the Convention, the steps taken to ensure the effective coordination of their activities, as well as to monitor the progress made by them;
>
> The steps taken to ensure effective coordination of activities between central, regional and local authorities, and where relevant between federal and provincial authorities;
>
> Any governmental institutions created to promote the rights of the child and monitor implementation, and how they relate to non-governmental organizations;
>
> Any independent body established to promote and protect the rights of the child, such as an Ombudsperson or a Commissioner;
>
> The measures taken to ensure the systematic gathering of data on children and their fundamental rights and to assess existing trends at the national, regional and local levels, and where appropriate at the federal and provincial levels, as well as the steps taken to develop mechanisms for the identification and gathering of appropriate indicators, statistics, relevant research and other relevant information as a basis for policy-making in the field of children's rights;
>
> The steps taken to ensure a periodic evaluation of progress in the implementation of the Convention at the national, regional and local levels, and where appropriate at the federal and provincial levels, including through the preparation of any periodic report by the Government to the Parliament.

19. Please indicate any initiatives taken in cooperation with the civil society (for example, professional groups, non-governmental organizations) and any mechanisms developed to evaluate progress achieved.

20. Using indicators or target figures where necessary, please indicate the measures undertaken to ensure the implementation at the national, regional and local levels, and where relevant at the federal and provincial levels, of the economic, social and cultural rights of children to the maximum extent of available resources, including:

> The steps undertaken to ensure coordination between economic and social policies;
>
> The proportion of the budget devoted to social expenditures for children, including health, welfare and education, at the central, regional and local levels, and where appropriate at the federal and provincial levels;

The budget trends over the period covered by the report;

Arrangements for budgetary analysis enabling the amount and proportion spent on children to be clearly identified;

The steps taken to ensure that all competent national, regional and local authorities are guided by the best interests of the child in their budgetary decisions and evaluate the priority given to children in their policy-making;

The measures taken to ensure that disparities between different regions and groups of children are bridged in relation to the provision of social services;

The measures taken to ensure that children, particularly those belonging to the most disadvantaged groups, are protected against the adverse effects of economic policies, including the reduction of budgetary allocations in the social sector.

21. Please indicate the extent to which international cooperation relevant to the State party is designed to foster the implementation of the Convention, including economic, social and cultural rights of children. Please indicate the proportion of international aid at the multilateral and bilateral levels allocated to programmes for children and the promotion of their rights and, where appropriate, the assistance received from regional and international financial institutions. Please also indicate the percentage of international cooperation contributed during the reporting period in the total government budget, as well as the percentages of such cooperation respectively allocated to the health sector, to the education sector, to the social sector and to other sectors. Please further indicate any relevant measures adopted as a follow-up to the Declaration and Programme of Action of the World Summit for Social Development.

22. In addition, States are requested to describe the measures that have been taken or are foreseen, pursuant to article 42 of the Convention, to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike. In this regard, reports should also indicate:

The extent to which the Convention has been translated into the national, local, minority or indigenous languages. In this connection, an indication should be given of the number of languages into which the Convention has been translated and the number of copies translated into the minority languages during the reporting period;

Whether the Convention has been translated and has been made available in the languages spoken by the larger refugee and immigrant groups in the country concerned;

The measures adopted to publicize the Convention and create widespread awareness of its principles and provisions. In this connection, an indication should be given of the number of meetings (such as parliamentary or governmental conferences, workshops, seminars) held, the number of programmes broadcast on radio or television and the number of publications issued explaining the Convention on the Rights of the Child during the reporting period;

The specific steps taken to make the Convention widely known to children and the extent to which it has been reflected in the school curricula and considered in parents' education campaigns. An indication should be given of the number of copies of the Convention distributed in the educational system and to the public at large during the reporting period;

The measures adopted to provide education on the Convention to public officials, as well as to train professional groups working with and for children, such as teachers, law enforcement officials, including police, immigration officers, judges, prosecutors, lawyers, defence forces, medical doctors, health workers and social workers;

The extent to which the principles and provisions of the Convention have been incorporated in professional training curricula and codes of conduct or regulations;

The steps taken to promote understanding of the principles and provisions of the Convention by the mass media and by information and publishing agencies;

The involvement of non-governmental organizations in awareness and advocacy campaigns on the Convention, as well as any support provided to them. In this connection, an indication should be given of the number of non-governmental organizations who participated in such events during the reporting period;

The participation of children in any of these activities.

23. States are also requested to describe the measures undertaken or foreseen, pursuant to article 44, paragraph 6, to make their reports widely available to the public at large in their own countries. In this regard, please indicate:

The process of preparation of the present report, in particular the extent to which governmental departments, at the central, regional and local levels, and where appropriate, at the federal and provincial levels, participated, and non-governmental organizations were involved. An indication should also be given of the number of non-governmental organizations which participated in the preparation of the report;

The steps taken to publicize the report, to translate and disseminate it in the national, local, minority or indigenous languages. An indication should be given of the number of meetings (such as parliamentary and governmental conferences, workshops, seminars) held, the number of programmes broadcast on radio or television, the number of publications issued explaining the report and the number of non-governmental organizations which participated in such events during the reporting period;

The measures adopted or foreseen to ensure wide dissemination and consideration of the summary records and the concluding observations adopted by the Committee in relation to the State party's report, including any parliamentary hearing or media coverage. Please indicate the events undertaken to publicize the concluding observations and summary records of the previous report, including the number of meetings (such as

parliamentary or governmental conferences, workshops, seminars) held, the number of programmes broadcast on radio or television, the number of publications issued explaining the concluding observations and summary records, and the number of non-governmental organizations which participated in such events during the reporting period.

II. DEFINITION OF THE CHILD (art. 1)

See paragraph 8 above.

24. Under this section, States parties are requested to provide relevant information with respect to article 1 of the Convention, including on:

- Any differences between national legislation and the Convention on the definition of the child;

- The minimum legal age defined by the national legislation for the following:

  - Legal and medical counselling without parental consent;
  - Medical treatment or surgery without parental consent;
  - End of compulsory education;
  - Admission to employment or work, including hazardous work, part-time and full-time work;
  - Marriage;
  - Sexual consent;
  - Voluntary enlistment in the armed forces;
  - Conscription into the armed forces;
  - Participation in hostilities;
  - Criminal responsibility;
  - Deprivation of liberty, including by arrest, detention and imprisonment, inter alia in the areas of administration of justice, asylum-seeking and placement of children in welfare and health institutions;
  - Capital punishment and life imprisonment;
  - Giving testimony in court, in civil and criminal cases;
  - Lodging complaints and seeking redress before a court or other relevant authority without parental consent;

Participating in administrative and judicial proceedings affecting the child;

Giving consent to change of identity, including change of name, modification of family relations, adoption, guardianship;

Having access to information concerning the biological family;

Legal capacity to inherit, to conduct property transactions;

To create or join associations;

Choosing a religion or attending religious school teaching;

Consumption of alcohol and other controlled substances;

How the minimum age for employment relates to the age of completion of compulsory schooling, how it affects the right of the child to education and how relevant international instruments are taken into account;

In cases where there is a difference in the legislation between girls and boys, including in relation to marriage and sexual consent, the extent to which article 2 of the Convention has been given consideration;

In cases where the criteria of puberty is used under criminal law, the extent to which this provision is differently applied to girls and boys, and whether the principles and provisions of the Convention are taken into consideration.

III. GENERAL PRINCIPLES

See paragraph 4 above.

A. Non-discrimination (art. 2)

25. Reports should indicate whether the principle of non-discrimination is included as a binding principle in the Constitution or in domestic legislation specifically for children and whether all the possible grounds for discrimination spelled out in article 2 of the Convention are reflected in such legal provisions. Reports should further indicate the measures adopted to ensure the rights set forth in the Convention to each child under the jurisdiction of the State without discrimination of any kind, including non-nationals, refugees and asylum-seekers.

26. Information should be provided on steps taken to ensure that discrimination is prevented and combated, both in law and practice, including discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status of the child, his/her parents or legal guardians.

27. Please indicate the specific measures adopted to reduce economic, social and geographical disparities, including between rural and urban areas, to prevent discrimination against the most disadvantaged groups of children, including children belonging to minorities or

indigenous communities, disabled children, children born out of wedlock, children who are non-nationals, migrants, displaced, refugees or asylum-seekers, and children who are living and/or working on the streets.

28. Please provide information on the specific measures taken to eliminate discrimination against girls and when appropriate indicate measures adopted as a follow-up to the Fourth World Conference on Women.

29. Please indicate measures taken to collect disaggregated data for the various groups of children mentioned above.

30. What measures have been taken to prevent and eliminate attitudes to and prejudice against children contributing to social or ethnic tension, racism and xenophobia?

31. Information should also be provided on the measures pursuant to article 2, paragraph 2 taken to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions or beliefs of the child's parents, legal guardians or family members.

32. Please indicate major problems encountered in implementing the provisions of article 2 and plans to solve these problems, as well as any evaluation of progress in preventing and combating all forms of discrimination, including those arising from negative traditional practices.

B. Best interests of the child (art. 3)

33. Reports should indicate whether the principle of the best interests of the child and the need for it to be a primary consideration in all actions concerning children is reflected in the Constitution and relevant national legislation and regulations.

34. Please provide information on the consideration given to this principle by courts of law, administrative authorities or legislative bodies, as well as by public or private social welfare agencies.

35. Please provide information on how the best interests of the child have been given primary consideration in family life, school life, social life and in areas such as:

Budgetary allocations, including at the central, regional and local levels, and where appropriate at the federal and provincial levels, and within governmental departments;

Planning and development policies, including housing, transport and environmental policies;

Adoption;

Immigration, asylum-seeking and refugee procedures;

The administration of juvenile justice;

The placement and care of children in institutions;

Social security.

36. Information should be included on the measures taken in the light of article 3, paragraph 2, including of a legislative and administrative nature, to ensure children such protection and care as is necessary for their well-being.

37. Information should also be provided on the steps taken pursuant to article 3, paragraph 3, to establish appropriate standards for all public and private institutions, services and facilities responsible for the care and protection of children and to ensure that they conform with such standards, particularly in the areas of safety, health, number and suitability of their staff, as well as competent supervision.

38. In the light of the legislative and administrative measures taken to ensure the consideration of the best interests of the child, please indicate the main problems remaining in this respect.

39. Please indicate in what ways the principle of the "best interests of the child" is made part of the training of professionals dealing with children's rights.

C. The right to life, survival and development (art. 6)

40. Please describe specific measures taken to guarantee the child's right to life and to create an environment conducive to ensuring to the maximum extent possible the survival and development of the child, including physical, mental, spiritual, moral, psychological and social development, in a manner compatible with human dignity, and to prepare the child for an individual life in a free society.

41. Information should also be provided on the measures taken to ensure the registration of the deaths of children, the causes of death and, where appropriate, investigation and reporting on such deaths, as well as on the measures adopted to prevent children's suicide and monitor its incidence and to ensure the survival of children at all ages, including adolescents, and the prevention of risks to which that group may be particularly exposed (for example, sexually transmitted diseases, street violence). Please provide relevant disaggregated data, including on the number of suicides among children.

D. Respect for the views of the child (art. 12)

42. Reports should indicate how the right of the child to express views freely on all matters affecting him or her, and provision for those views to be given due weight have been incorporated in legislation.

43. Please provide information on legislative and other measures taken to ensure the right of the child to express views in a manner consistent with his or her evolving capacities, including in:

Family life;

School life;

The administration of juvenile justice;

Placement and life in institutional and other forms of care;

Asylum-seeking procedures.

44. Please indicate the opportunities provided for the child to be heard in judicial and administrative proceedings affecting him or her, as well as the situations in which the child can intervene directly or through a representative or an appropriate body (see also paragraph 34 above).

45. Please provide information on any bodies or instances where the child has a right to participate in decision-making, such as schools or local councils.

46. Please indicate what measures have been taken to raise the awareness of families and the public in general of the need to encourage children to exercise their right to express their views, and to train professionals working with children to encourage children to do so, and to give their views due weight. An indication should be given of the number of hours of child development courses provided for the following staff:

Judges in general;

Family court judges;

Juvenile court judges;

Probation officers;

Police officers;

Prison officers;

Teachers;

Health workers;

Other professionals.

47. An indication should also be provided of the number of courses about the Convention included in the curriculum of:

Law schools;

Teachers training schools;

Medical schools and institutions;

Nursing schools;

Social work schools;

Psychology departments;

Sociology departments.

48. Please indicate how the views of the child obtained through public opinion, consultations and assessment of complaints are taken into consideration in the legal provisions, and in policy or judicial decisions.

IV. CIVIL RIGHTS AND FREEDOMS (arts. 7, 8, 13-17 and 37 (a))

See paragraph 4 above.

49. Under this section, States parties are requested to provide information on the measures adopted to ensure that the civil rights and freedoms of children set forth in the Convention, in particular those covered by articles 7, 8, 13 to 17 and 37 (a), are recognized by law specifically in relation to children and implemented in practice, including by administrative and judicial bodies, at the national, regional and local levels, and where appropriate at the federal and provincial levels.

A. Name and nationality (art. 7)

50. Please indicate the measures taken or envisaged to ensure that every child is registered immediately after birth. Please also indicate the steps undertaken to prevent the non-registration of children immediately after birth, including in view of possible social or cultural obstacles, inter alia in rural or remote areas, in relation to nomadic groups, displaced persons, as well as asylum-seeking and refugee children.

51. Please provide information on the measures taken to sensitize and mobilize public opinion on the need for birth registration of children, and to provide adequate training to registry personnel.

52. Please also provide information on the elements of the child's identity included in the birth registration and the measures adopted to prevent any kind of stigmatization or discrimination of the child.

53. Please indicate the measures adopted to ensure the child's right to know and be cared for by his or her parents.

54. Please provide information on the measures adopted pursuant to article 7, paragraph 2, to ensure the child's right to acquire a nationality, in particular where the child would otherwise be stateless. Reference should also be made to the implementation of this right in relation to children born out of wedlock, and asylum-seeking and refugee children. Please indicate the criteria applied for the acquisition of nationality and whether the child is allowed to acquire the nationality of both parents.

B. Preservation of identity (art. 8)

55. Please indicate the measures adopted to preserve the child's identity and to prevent any unlawful interference. In the case of the illegal deprivation of some or all of the elements of the child's identity, reports should also indicate the measures adopted to provide appropriate assistance and protection to the child and ensure the speedy re-establishment of his or her identity.

C. Freedom of expression (art. 13)

56. Please provide information on the measures adopted to ensure the child's right to freedom of expression, including to seek, receive and impart information and ideas regardless of frontiers. Reports should also indicate the restrictions to which the exercise of this right may be subject in conformity with article 13, paragraph 2.

D. Freedom of thought, conscience and religion (art. 14)

57. Please provide information on the exercise of the right to freedom of thought, conscience and religion by children, and the extent to which the child's evolving capacities are taken into consideration.

58. Please indicate the measures adopted to ensure the child's freedom to manifest his or her religion or beliefs, including with regard to minorities or indigenous groups. Information should also be provided on measures to ensure respect for the child's rights in relation to any religious teaching in public schools or institutions, as well as on any limitations to which this freedom may be subject in conformity with article 14, paragraph 3.

E. Freedom of association and peaceful assembly (art. 15)

59. Please indicate the measures adopted to ensure the child's right to freedom of association and peaceful assembly, including any specific legislation enacted to establish the conditions under which children are allowed to create or join associations. Please also indicate any restriction that may be placed on the exercise of these rights, in conformity with article 15, paragraph 2. Information should also be provided on existing children's associations and the role they play in the promotion of children's rights.

F. Protection of privacy (art. 16)

60. Please indicate the measures adopted to prevent any arbitrary or unlawful interference with the child's privacy, family, home or correspondence, as well as any attack on his or her honour and reputation. Please provide information on the protection provided by the law against such interference or attacks, and the remedies made available to the child. Information should also be provided on specific measures adopted for children placed in institutions for treatment, care or protection, including in judicial or administrative proceedings.

G. Access to appropriate information (art. 17)

61. Please provide information on the measures adopted to ensure that children have access from a diversity of national and international sources to information and material aimed at the promotion of the child's social, spiritual and moral well-being and physical and mental health. Please also indicate the measures adopted to encourage:

The production and dissemination of children's books, and the dissemination by the mass media of information and material of social and cultural benefit to the child, with particular regard to the linguistic needs of children belonging to a minority group or who are indigenous;

International cooperation in the production, exchange and dissemination of such information and material of social and cultural benefit for the child, in accordance with the spirit of article 29 of the Convention on the aims of education, including any international agreements concluded for that purpose;

The development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, as well as from harmful exposure in the mass media, bearing in mind the provisions of articles 13 and 18.

H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a))

62. Please indicate whether torture or other cruel, inhuman or degrading treatment or punishment of children is punished by the criminal law, and whether complaint procedures have been established and remedies made available to the child. Please also provide information on:

Awareness campaigns launched to prevent torture or other cruel, inhuman or degrading treatment or punishment of children;

Educative and training activities developed, particularly with personnel in institutions, services and facilities working with and for children, aimed at preventing any form of ill-treatment;

Any cases where children have been victims of any such acts;

Measures adopted to prevent the impunity of perpetrators, including by investigating such cases and punishing those found responsible;

Measures adopted to ensure the physical and psychological recovery and reintegration of children who have been tortured or otherwise ill-treated;

Any independent monitoring system established.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE (arts. 5; 18, paras. 1-2; 9-11; 19-21; 25; 27, para. 4; and 39)

See paragraph 4 above.

A. Parental guidance (art. 5)

63. Please provide information on family structures within the society and indicate the measures adopted to ensure respect for the responsibilities, rights and duties of parents or where applicable the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide appropriate direction and guidance to the child, further indicating how such direction and guidance are consistent with the child's evolving capacities.

64. Please indicate any family counselling services or parental education programmes available, as well as awareness campaigns for parents and children on the rights of the child within family life, and training activities provided to relevant professional groups (for example, social workers) and indicate if any evaluation has been made of their effectiveness. Please also indicate how knowledge and information about child development and the evolving capacities of the child are conveyed to parents or other persons responsible for the child.

65. Information should also be provided on the measures adopted to ensure respect for the principles of the Convention, namely non-discrimination, the best interests of the child, respect for the views of the child, the right to life, and survival and development to the maximum extent possible, as well as on the progress achieved in the implementation of article 5, any difficulties encountered and the indicators used.

B. Parental responsibilities (art. 18, paras. 1-2)

66. Please provide information on the consideration given by law to parental responsibility, including the recognition of the common responsibilities of both parents in the upbringing and development of the child and, that the best interests of the child will be their basic concern. Also indicate how the principles of non-discrimination, respect for the views of the child and the development of the child to the maximum extent, as provided for by the Convention, are taken into account.

67. Please provide information on the measures adopted to render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities, as well as on the institutions, facilities and services developed for the care of children. Information should also be provided on specific measures adopted for children from single-parent families and belonging to the most disadvantaged groups, including those living in extreme poverty.

68. Relevant disaggregated information (for example, by gender, age, region, rural/urban areas and social and ethnic origin) should be given on children having benefited from any of these measures and resources allocated to them (at the national, regional and local levels, and where appropriate at the federal and provincial levels). Information should also be provided on progress achieved and difficulties encountered in the implementation of article 18, as well as on the targets set for the future.

C. Separation from parents (art. 9)

69. Please indicate the measures adopted, including of a legislative and judicial nature, to ensure that the child is not separated from his or her parents except when such separation is necessary for the best interests of the child, as in cases of abuse or neglect of the child or when the parents live separately and a decision must be made as to the child's place of residence. Please identify the competent authorities intervening in these decisions, the applicable law and procedure and the role of judicial review.

70. Please provide information on the measures taken pursuant to article 9, paragraph 2 to ensure to all interested parties, including the child, an opportunity to participate in any proceedings and to make their views known.

71. Please indicate the measures adopted, including of a legislative, judicial and administrative nature, to ensure that the child who is separated from one or both parents has the right to maintain personal relations and direct contacts with both parents on a regular basis, except if it is contrary to the best interests of the child. Please further indicate the extent to which the views of the child are taken into consideration in this regard.

72. Please indicate the measures adopted pursuant to article 9, paragraph 4 to ensure that in the case of the child's separation from one or both of his or her parents as a result of any action initiated by the State, essential information on the whereabouts of the absent member(s) of the family is provided, upon request, to the child, to the parents or, if appropriate, to another member of the family, unless the provision of the information would be detrimental to the well-being of the child. Also indicate the measures undertaken to ensure that the submission of such a request entails no adverse consequences for the person(s) concerned.

73. Relevant disaggregated information (for example, by age, gender and national, ethnic and social origin) should be provided inter alia in relation to situations of detention, imprisonment, exile, deportation or death, together with an assessment of progress achieved in the implementation of article 9, difficulties encountered and targets set for the future.

D. Family reunification (art. 10)

74. Please provide information on the measures adopted to ensure that applications by a child or his or her parents to enter or leave a country for the purpose of family reunification are dealt with by the State in a positive, humane and expeditious manner and that the submission of such a request entails no adverse consequences for the applicants and the members of their family.

75. Please also indicate how such applications are considered in the light of the Convention and in particular of its general principles of non-discrimination, the best interests of the child, respect for the views of the child, the right to life, and survival and development to the maximum extent possible, including in the case of unaccompanied and asylum-seeking children. Disaggregated information should also be provided, including by gender, age, and national and ethnic origin.

76. Please indicate the measures undertaken to ensure the right of a child whose parents reside in different States to maintain on a regular basis personal relations and direct contacts with both parents. Please also indicate any exceptions and their compatibility with the provisions and principles of the Convention.

77. Information should be provided on the steps taken to ensure respect for the right of the child and his or her parents to leave any country, including their own, and to enter their own country. They should indicate any restrictions imposed on the right to leave the country, how they are prescribed by law, necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others and the extent to which they are consistent with the other rights recognized in the Convention, including the principles of non-discrimination, the best interests of the child, respect for the views of the child, the right to life, and survival and development to the maximum extent possible.

78. Reports should also provide information on the progress achieved in the implementation of article 10, difficulties encountered and targets set for the future.

E. Illicit transfer and non-return (art. 11)

79. Please provide information on:

The steps taken to prevent and combat the illicit transfer and non-return of children abroad, including legislative, administrative or judicial measures, as well as mechanisms established to monitor such situations;

Any bilateral or multilateral agreement on this subject concluded by the State party or to which it may have acceded and the impact they have had;

Progress achieved and the difficulties met with in countering such situations, together with relevant data on the children concerned, including by gender, age, national origin, place of residence, family status and relationship with the perpetrator of the illicit transfer.

F. Recovery of maintenance for the child (art. 27, para. 4)

80. Please indicate the measures adopted (including legislative, administrative and judicial measures) and mechanisms or programmes developed to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State and from abroad, including in cases of the separation or divorce of the parents. Information should also be provided on:

Measures taken to ensure the maintenance of the child in cases where parents or other persons having financial responsibility for the child evade the payment of such maintenance;

Measures adopted to ensure respect for the general principles of the Convention, namely non-discrimination, the best interests of the child, respect for the views of the child and the right to life, survival and development to the maximum extent;

The factors and difficulties which may have affected the recovery of maintenance for the child (for example, lack of birth registration) or the enforcement of decisions concerning maintenance obligations;

The relevant international agreements the State has concluded or to which it has acceded, as well as any other appropriate arrangement it has made;

Relevant disaggregated data in this area, including by gender, age, national origin and place of residence of the child and his or her parents, or of the persons financially responsible for him or her.

G. Children deprived of their family environment (art. 20)

81. Please indicate the measures adopted to ensure:

Special protection and assistance to the child who is temporarily or permanently deprived of his or her family environment or in whose own best interests cannot be allowed to remain in that environment;

Alternative care for such a child, specifying the available forms of such care (inter alia foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of the child);

That the placement of such a child in suitable institutions will only be used if really necessary;

Monitoring of the situation of children placed in alternative care;

Respect for the general principles of the Convention, namely non-discrimination, the best interests of the child, respect for the views of the child and the right to life, survival and development to the maximum extent.

82. Reports should also indicate the extent to which, when such solutions are being considered, due regard is paid to the desirability of continuity in the child's upbringing and to the child's ethnic, religious, cultural and linguistic background. Disaggregated information should be provided on the children concerned by all such measures, including by gender, age, national, social or ethnic origin, language, religion, and by the nature of the measure of alternative care applied.

83. Reports should also provide information on the progress achieved in the implementation of this article, any difficulties encountered or on targets set for the future.

H. Adoption (art. 21)

84. Please indicate the measures adopted, including of a legislative, administrative or judicial nature, to ensure that, when the State recognizes and/or permits the system of adoption, the best interests of the child shall be the paramount consideration. Information should also be provided on:

The authorities which are competent to authorize the adoption of a child;

The applicable law and procedures and the pertinent and reliable information on the basis of which adoption is determined;

The child's status concerning his or her parents, relatives and legal guardians necessary for adoption to be considered permissible;

The involvement of the persons concerned, the circumstances under which their informed consent is required and necessary counselling provided, including to allow for the consideration of the alternatives to and consequences of adoption, and the extent to which the participation of the child is ensured and his or her views are given due weight;

Existing safeguards to protect the child, including any monitoring mechanism put in place;

The effects of adoption on the rights of the child, particularly his or her civil rights, including the child's identity and the right of the child to know his or her biological parents.

85. In the case of intercountry adoption, please indicate the measures undertaken to ensure that:

Such a solution is only considered as an alternative means of care for the child if he or she cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;

The child involved in intercountry adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;

Placement by intercountry adoption does not result in improper financial gain for those involved in it;

Appropriate mechanisms have been established to monitor the situation of the child, including following his or her placement through intercountry adoption, and to ensure that his or her best interests prevail as a paramount consideration.

86. Reports should also indicate:

Any bilateral or multilateral arrangements or agreements concluded by the State to promote the objectives of article 21 (for example, the Hague Convention of May 1993 on Protection of Children and Cooperation in respect of Intercountry Adoption);

Within this framework, the measures adopted to ensure that the placement of a child in another country is carried out by competent authorities or organs;

Relevant disaggregated data on the children involved in intercountry adoption, including by age, gender, status of the child, situation of the child's family of origin and of adoption, as well as country of origin and of adoption;

Progress achieved in the implementation of article 21, difficulties encountered and targets set for the future.

I. Periodic review of placement (art. 25)

87. Please indicate the measures undertaken, including of a legislative, administrative and judicial nature, to recognize the right of the child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical and mental health, to a periodic review of the treatment provided to the child in public and private institutions, services and facilities, as well as all other circumstances relevant to his or her placement.

88. Information should be provided inter alia on:

The authorities considered competent for such purposes, including any appropriate independent mechanism established;

The circumstances taken into account in deciding on the placement of the child for his or her care, protection and treatment;

The frequency of review of the placement and treatment provided;

The respect ensured to the provisions and principles of the Convention, including non-discrimination, the best interests of the child and respect for the views of the child;

Relevant data on the children concerned, including in situations of abandonment, disability and asylum-seeking and refugees, including unaccompanied children, and in situations of conflict with the law, disaggregated inter alia by age, gender, national, ethnic and social origin, family situation and place of residence, as well as by duration of placement and frequency of its review;

Progress achieved in the implementation of article 25, difficulties encountered and targets set for the future.

J. Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39)

89. Please indicate all appropriate legislative, administrative, social and educational measures taken pursuant to article 19 to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse while in the care of parent(s), legal guardian(s) or any other person who has the care of the child. Reports should indicate in particular:

Whether legislation (criminal and/or family law) includes a prohibition of all forms of physical and mental violence, including corporal punishment, deliberate humiliation, injury, abuse, neglect or exploitation, inter alia within the family, in foster and other forms of care, and in public or private institutions, such as penal institutions and schools;

Other existing legal safeguards relevant to the protection of the child as required by article 19;

Whether complaint procedures have been foreseen and the child can lodge complaints, either directly or through a representative, as well as remedies available (for example, compensation);

The procedures developed for intervention by the authorities in cases where the child requires protection from any form of violence, abuse or negligence, as required by article 19;

The educational and other measures adopted to promote positive and non-violent forms of discipline, care and treatment of the child;

Any information and awareness-raising campaigns to prevent situations of violence, abuse or negligence and to strengthen the system for the child's protection;

Any mechanisms established to monitor the extent of the forms of violence, injury or abuse, neglect, maltreatment or exploitation considered by article 19, including within the family, in institutional or other care, of a welfare, educational or penal nature, and the social and other factors contributing thereto, as well as any evaluation made of the effectiveness of the measures adopted; in this regard disaggregated data should be provided on the children concerned, including by age, gender, family situation, rural/urban, social and ethnic origin.

90. With respect to article 19, paragraph 2, reports should also provide information inter alia on:

Effective procedures developed for the establishment of social programmes to provide necessary support for the child and those who have the care of the child, including rehabilitation mechanisms;

Any other forms of prevention;

Effective measures adopted for the identification, reporting, referral, investigation, treatment and follow-up of instances of maltreatment covered by article 19, as well as for judicial involvement;

The existence of any system of mandatory reporting for professional groups working with and for children (for example teachers, medical doctors);

The existence of confidential help lines, advice or counselling for child victims of violence, abuse or neglect or any other form considered by article 19;

The special training provided for relevant professionals. (See also paragraph 34 above.)

91. Please also indicate the measures adopted pursuant to article 39 to ensure the physical and psychological recovery and social reintegration of the child victim of any form of neglect, exploitation or abuse referred to in article 19, in an environment which fosters the health, self-respect and dignity of the child. Information should also be provided on the progress achieved, any difficulties encountered and on the targets set for the future.

92. Reports should also provide information on the progress achieved in the implementation of these articles, difficulties encountered and targets set for the future.

VI. BASIC HEALTH AND WELFARE (arts. 6; 18, para. 3; 23; 24; 26; 27, paras. 1-3)

See paragraph 8 above.

A. Disabled children (art. 23)

93. Please provide information on the situation of the mentally or physically disabled child and the measures taken to ensure:

The child's enjoyment of a full and decent life, in conditions which ensure the child's dignity and self-reliance;

The child's enjoyment of his or her rights without discrimination of any kind and the prevention and elimination of discriminatory attitudes against him or her;

The promotion of the child's active participation in the community;

The child's effective access to education, training, health care and rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development;

The consideration given to the inclusion of disabled children together with children without disabilities in institutions, services and facilities, including within the education system;

The child's right to special care and the steps taken to ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance appropriate to the child's condition and to the circumstances of the parents or others caring for the child;

That, whenever possible, assistance is provided free of charge, taking into account the financial resources of the parents or others caring for the child;

The measures taken to ensure an effective evaluation of the situation of disabled children, including the development of a system of identification and tracking of disabled children, the establishment of any appropriate monitoring mechanism, the assessment of progress and of difficulties encountered, as well as any targets set for the future;

The measures taken to ensure adequate training, including specialized training, for those responsible for the care of disabled children, including at the family and community levels and within relevant institutions;

The measures taken to promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of the medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services. An indication should be given of the measures taken with the aim of enabling States Parties to the Convention to improve their capabilities and skills and to widen their experience in these areas, and the consideration given to the particular needs of developing countries;

The children concerned, including by type of disability, the coverage of the assistance provided, programmes and services made available, including in the fields of education, training, care, rehabilitation, employment and recreation, the financial and other resources allocated, and other relevant information, disaggregated inter alia by gender, age, rural/urban area, and social and ethnic origin.

B. Health and health services (art. 24)

94. Please indicate the measures adopted pursuant to articles 6 and 24:

To recognize and ensure the right of the child to the enjoyment of the highest attainable standard of health and to facilities for treatment and rehabilitation;

To ensure that no child is deprived of his or her right of access to such health-care services;

To ensure respect for the general principles of the Convention, namely non-discrimination, the best interests of the child, respect for the views of the child and the right to life, and survival and development to the maximum extent possible.

95. Reports should also provide information about the measures adopted to identify changes which have occurred since the submission of the State party's previous report, their impact on the life of children, as well as the indicators used to assess the progress achieved in the implementation of this right, the difficulties encountered and any targets identified for the future, including in relation to child mortality and child morbidity, service coverage, data collection, policies and legislation, budget allocation (including in relation to the general budget), involvement of non-governmental organizations and international assistance.

96. Please also provide information on the measures undertaken in particular:

To diminish infant and child mortality, indicating the average rates and providing relevant disaggregated data, including by gender, age, region, rural/urban area, ethnic and social origin;

To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care, including:

> The distribution of both general and primary health-care services in the rural and urban areas of the country and the balance between preventive and curative health care;
>
> Information on the children having access to and benefiting from medical assistance and health care, as well as persisting gaps, including by gender, age, ethnic and social origin, and measures adopted to reduce existing disparities;
>
> The measures adopted to ensure a universal immunization system.

To combat disease and malnutrition, including in the framework of primary health care, through inter alia the application of readily available technology and through the provision of adequate nutritious foods and clean drinking water, taking into account the risks and dangers of environmental degradation and pollution; reports should indicate the overall situation, persisting disparities and difficulties, as well as policies to address them, including priorities identified for future action, and information should also be provided, including by gender, age, region, rural/urban area, and social and ethnic origin on:

> The proportion of children with low birth weight;
>
> The nature and context of the most common diseases and their impact on children;
>
> The proportion of the child population affected by malnutrition, including of a chronic or severe nature, and lack of clean drinking water;
>
> The children provided with adequate nutritious food;
>
> The risks from environmental pollution and the measures adopted to prevent and combat them.

To ensure appropriate prenatal and post-natal health care for mothers, indicating the nature of services provided, including appropriate information given, the coverage ensured, the rate of mortality and its main causes (average and disaggregated, inter alia, by age, gender, region, urban/rural area, social and ethnic origin), the proportion of pregnant women who have access to and benefit from pre and post-natal health care, trained personnel and hospital care and delivery;

To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents; in this regard, information should also be provided on:

Campaigns, programmes, services and strategies and other relevant mechanisms developed to provide basic knowledge, information and support to the general population, in particular to parents and children;

The means used, particularly in relation to the areas of child health and nutrition, the advantages of breastfeeding and the prevention of accidents;

The availability of safe sanitation;

The measures adopted to increase food production to ensure household food security;

The measures adopted to improve the system of education and training of health personnel;

Disaggregated data, including by age, gender, region, rural/urban area, social and ethnic origin.

To develop preventive health care, guidance for parents and family planning education and services; in this regard, reports should also provide information on:

The policies and programmes developed, as well as services available;

The population covered, including in rural and urban areas, by age, gender, social and ethnic origin;

The measures adopted to prevent early pregnancy and to take into consideration the specific situation of adolescents, including provision of appropriate information and counselling;

The role played by the education system in this regard, including in the school curricula;

Disaggregated data on the incidence of children's pregnancy, including by age, region, rural/urban area, and social and ethnic origin.

97. Please indicate the prevalence of HIV/AIDS and the measures adopted to promote health information and education on HIV/AIDS among the general population, special groups at high risk and children, as well as:

The programmes and strategies developed to prevent HIV;

The measures adopted to assess the occurrence of HIV infection and AIDS, among both the general population and children, and its incidence inter alia by age, gender, rural/urban area;

The treatment and management provided in case of HIV infection and AIDS among children and parents, and the coverage ensured nationwide, in urban and rural areas;

The measures adopted to ensure an effective protection and assistance to children who are orphans as a result of AIDS;

The campaigns, programmes, strategies and other relevant measures adopted to prevent and combat discriminatory attitudes against children infected by HIV or with AIDS, or whose parents or family members have been infected.

98. Please provide information on the measures adopted pursuant to article 24, paragraph 3, with a view to abolishing all traditional practices prejudicial to the health of children, particularly girls, or otherwise contrary to the principles and provisions of the Convention, (for example, genital mutilation and forced marriage). Reports should also indicate any assessment made of traditional practices persisting in society that are prejudicial to children's rights.

99. Information should also be provided on the measures adopted pursuant to article 24, paragraph 4, to promote and encourage international cooperation with a view to achieving progressively the full realization of the right recognized in this article, and the particular consideration given to the needs of developing countries. Reports should inter alia indicate the activities and programmes developed in the framework of international cooperation, including at the bilateral and regional levels, the areas addressed, the target groups identified, the financial assistance provided and/or received and the priorities considered, as well as any evaluation made of the progress achieved and of the difficulties encountered. Mention should be made, whenever appropriate, of the involvement of United Nations organs and specialized agencies and non-governmental organizations.

C. Social security and childcare services and facilities (arts. 26 and 18, para. 3)

100. With respect to article 26, please provide information on:

The measures adopted to recognize for every child the right to benefit from social security, including social insurance;

The necessary measures taken to achieve the full realization of this right in accordance with the national law;

The manner in which the benefits granted take into account the resources and the circumstances of the child and of the persons having responsibility for his or her maintenance, as well as any other considerations relevant to an application for benefits made by or on behalf of the child.

101. Reports should also indicate the legal provisions relevant to the implementation of this right, the circumstances under which children themselves are allowed to apply for social security measures, either directly or through a representative, the criteria taken into account to grant the benefits, as well as any relevant disaggregated information concerning the coverage and financial implications of such measures, its incidence by age, gender, number of children per family, civil status of the parents, the situation of single parents, and the relationship of social security to unemployment.

102. Please indicate the measures adopted pursuant to article 18, paragraph 3, and taking into account the provisions of articles 3, 6 and 12 of the Convention, to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible. In this regard, reports should inter alia provide information on the legislation adopted to recognize this right and ensure its realization, as well as on the coverage with regard to services and facilities, by region and by urban and rural areas, as well as on their financial implications and on the children benefiting from such measures, including by age, gender and national, social and ethnic origin.

103. Reports should also provide information on the progress achieved in the implementation of these rights, the difficulties encountered and any targets identified for the future.

D. Standard of living (art. 27, paras. 1-3)

104. Please provide information on:

The measures adopted to recognize and ensure the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development;

The relevant indicators used to assess such an adequate standard of living, and its incidence among the child population, including by gender, age, region, rural/urban area, social and ethnic origin, and family situation;

The criteria established to assess the ability and financial capacity of parents or others responsible for the child to secure the living conditions necessary for the child's development, as well as to identify those conditions;

All the measures taken, in accordance with national conditions and within the State party's means, to assist parents and others responsible for the child to implement this right, including the nature of the assistance made available, its budget implications, its relation to the cost of living and its impact on the population; where relevant, the information provided should be disaggregated, inter alia by region, rural/urban area, age, gender and social and ethnic origin;

The measures adopted to provide, in case of need, material assistance and support programmes, particularly with regard to nutrition, clothing and housing, indicating, inter alia, the nature of such assistance and programmes, the population addressed by them, including by gender, age, rural/urban area, social and ethnic origin, the proportion of budget allocated, the coverage ensured, the priorities and targets identified;

Relevant measures adopted as a follow-up to the Declaration and Plan of Action adopted by the United Nations Conference on Human Settlements (Habitat II).

105. Reports should also provide information on the progress achieved in the implementation of these rights, difficulties encountered and targets set for the future.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES (arts. 28, 29, 31)

See paragraph 4 above.

A. Education, including vocational training and guidance (art. 28)

106. Please indicate the measures adopted, including of a legislative, administrative and budgetary nature, to recognize and ensure the right of the child to education, and to achieve this right progressively and on the basis of equal opportunities.

107. In this regard, reports should indicate, inter alia:

The measures adopted to ensure respect for the general principles of the Convention, namely the best interests of the child, respect for the views of the child, the right to life, survival and development to the maximum extent possible, and non-discrimination, including with a view to reducing existing disparities;

The proportion of the overall budget (at the central, regional and local, and where appropriate at the federal and provincial levels) devoted to children and allocated to the various levels of education;

The consideration given to the real cost to the family of the child's education and the appropriate support provided;

The measures adopted to ensure that children may be taught in local, indigenous or minority languages;

Mechanisms developed to ensure the access of all children, including girls, children with special needs and children in especially difficult circumstances, to quality education adapted to the child's age and maturity;

The steps taken to ensure that there are sufficient teachers in the school system, to enhance their competence, and to ensure and assess the quality of teaching;

The measures adopted to provide adequate educational facilities, accessible to all children;

The rate of illiteracy below and over 18 years, and the rate of enrolment in literacy classes, including by age, gender, region, rural/urban area, and social and ethnic origin;

Any systems of non-formal education;

Any system or extensive initiatives by the State to provide early development and education services for young children, especially for young children from disadvantaged social groups;

The changes that have occurred in the education system (including with regard to legislation, policies, facilities, budgetary allocation, quality of education, enrolment, drop-out and literacy);

Any monitoring mechanism developed, factors and difficulties encountered and targets identified for the future;

Other relevant disaggregated data on the children concerned, including on education outcomes, inter alia by gender, age, region, rural/urban area, and national, ethnic and social origin.

108. Reports should also indicate the particular measures adopted:

To make primary education compulsory and available free for all, particularly children, indicating the minimum age for enrolment in primary school, the minimum and maximum ages for compulsory education, the proportion of children enrolled, who complete primary education, as well as any relevant disaggregated data including by age, gender, region, urban/rural area, national, social and ethnic origin, service coverage and budgetary allocation;

To encourage the development of different forms of secondary education, including general and vocational education, and measures adopted:

> To make such forms available and accessible to every child, providing inter alia any relevant disaggregated data including by gender, age, region, rural/urban area, national, social and ethnic origin, coverage and budgetary allocation;
>
> To introduce free secondary education and offer financial assistance in case of need, indicating the children concerned, including by gender, age, region, rural/urban area, and national, social and ethnic origin, and the budget allocated for that purpose;

To make higher education accessible to all on the basis of capacity, indicating inter alia the rate of access to higher education by age, gender and national, social and ethnic origin;

To make educational and vocational information and guidance available and accessible to all children, indicating, inter alia, the forms of such information and guidance, the mechanisms used to assess their effectiveness, the budget allocated for that purpose, as well as any relevant disaggregated data, including by age, gender, region, urban/rural area, and social and ethnic origin;

To encourage regular attendance at school and to reduce drop-out rates, including research, any mechanisms developed to assess the situation, and incentives provided to encourage school entrance, regular school attendance and school retention, any alternatives provided for children who are excluded from school, as well as other relevant data disaggregated by age, gender, region, urban/rural area, and social and ethnic origin.

109. Reports should also provide information on any category or group of children who do not enjoy the right to education and the circumstances in which children may be excluded from school temporarily or permanently (for example disability, deprivation of liberty, pregnancy, HIV/AIDS infection), including any arrangements made to address such situations and to ensure alternative education. Disaggregated data should be provided, including by age, gender, region, rural/urban area, and social and ethnic origin.

110. Please indicate all appropriate measures taken pursuant to article 28, paragraph 2, to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the Convention, including:

Legislation applying to public and private schools and other education institutions and prohibiting all forms of violence, including corporal punishment, as well as any other disciplinary measures which are not consistent with the child's human dignity or in conformity with the provisions of the Convention, including articles 19, 29 and 37 (a), and its general principles particularly of non-discrimination, best interests and respect for the views of the child;

Any monitoring system of the administration of the school discipline, as well as mechanisms of reporting and complaint;

Any independent mechanism established for that purpose;

Legislation providing the opportunity for the child to participate in administrative or judicial proceedings relating to education and affecting him or her, including those relating to the choice of school, school exclusion.

111. With regard to article 28, paragraph 3, please provide information on the measures adopted to promote and encourage international cooperation in matters relating to education, in particular with a view to:

Contributing to the elimination of ignorance and illiteracy throughout the world;

Facilitating access to scientific and technical knowledge and modern teaching methods;

Taking particular account of the needs of developing countries.

112. Reports should also indicate the activities and programmes developed, including at the bilateral and regional levels, the target groups identified, including by age, gender and national,

social and ethnic origin, the financial assistance provided and/or received and the priorities established, and the consideration given to the aims of education as identified by article 29 of the Convention, as well as any evaluation made of the progress achieved and of the difficulties encountered. Mention should be made, whenever appropriate, of the involvement of United Nations organs and specialized agencies and non-governmental organizations.

B. Aims of education (art. 29)

113. Please indicate the legislative, administrative, educational and other measures adopted to ensure that the aims of education established in the State party are consistent with the provisions of this article, in particular with regard to:

> The development of respect for the child's personality, talents and mental and physical abilities to their fullest potential;
>
> The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations, indicating whether the subject of human rights in general, and children's rights in particular, has been incorporated in the school curricula for all children and promoted in school life;
>
> The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she originates and for civilizations different from his or her own;
>
> The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of the sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
>
> The development of respect for the natural environment.

114. Reports should also indicate:

> The training provided to teachers to prepare them to direct their teaching towards these aims;
>
> The revision of school policies and school curricula to reflect the aims identified in article 29 at the various levels of education;
>
> Relevant programmes and material used;
>
> Any peer education and peer counselling promoted;
>
> Efforts made to bring school organization in line with the Convention's principles, for example mechanisms created within schools to improve the participation of children in all decisions affecting their education and well-being.

115. Please indicate the measures adopted pursuant to article 29, paragraph 2, to ensure respect for the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirements that the education given in such institutions conforms to such minimum standards as are laid down by the State.

116. Reports should also provide information on the appropriate mechanisms developed to:

Ascertain that the aims of education identified by the Convention are respected by such institutions;

Ensure respect for the general principles of the Convention, namely non-discrimination, the best interests of the child, respect for the views of the child and the right to life, survival and development to the maximum extent;

Ensure that all such institutions are conducted in conformity with standards established by competent authorities, particularly in the areas of safety, health, number and suitability of staff, as well as of competent supervision.

117. Reports should further provide information on the progress achieved in the implementation of this article, difficulties encountered and targets set for the future.

C. Leisure, recreation and cultural activities (art. 31)

118. Please provide information on the measures adopted, including of a legislative nature, to recognize and ensure the right of the child to:

Rest and leisure;

Engage in play and recreational activities appropriate to the age of the child;

Participate freely in cultural life and the arts.

119. In this regard, reports should also indicate:

The proportion of the relevant overall budget allocated (at the central, regional, local and where relevant at the federal and provincial levels) for children;

The cultural, artistic, recreational and leisure activities, programmes or campaigns developed and provided at the national, regional or local, and where appropriate at the federal and provincial levels, to ensure the enjoyment of this right including in the family, in the school and in the community;

The enjoyment of the rights recognized by article 31 in relation to other rights recognized by the Convention, including the right to education;

The respect ensured to the general principles of the Convention, namely non-discrimination, the best interests of the child, respect for the views of the child and the right to life, survival and development to the maximum extent;

Relevant data on the children concerned, including by age, gender, region, rural/urban area, and national, social and ethnic origin;

Progress achieved in the implementation of article 31, difficulties encountered and targets set for the future.

VIII. SPECIAL PROTECTION MEASURES (arts. 22, 38, 39, 40, 37 (b)-(d), 32-36)

See paragraph 8 above.

A. Children in situations of emergency

1. Refugee children (art. 22)

120. Please provide information on the appropriate measures adopted pursuant to article 22, paragraph 1 to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures, whether unaccompanied or accompanied by his or her parents or by any other person, receives appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the Convention and in other international human rights or humanitarian instruments to which the State is a party.

121. Reports should also indicate:

The international and domestic law and procedures applicable to the child who is considered a refugee or is seeking asylum;

Relevant international human rights and humanitarian instruments to which the State is a party, at the multilateral, regional and bilateral levels;

The domestic legislation and procedures in place, including to determine refugee status and ensure and protect the rights of asylum-seeking and refugee children, as well as any safeguards established and remedies made available to the child;

The protection and humanitarian assistance provided to the child in the enjoyment of his or her rights set forth in the Convention, as well as in other relevant international instruments, including civil rights and freedoms and economic, social and cultural rights;

The measures adopted to ensure and protect the rights of the unaccompanied child or of the child accompanied by his or her parents or by any other person, including in relation to temporary and long-term solutions, family tracing and family reunion;

The measures adopted to ensure respect for the general principles of the Convention, namely non-discrimination, the best interests of the child, respect for the views of the child, the right to life, and survival and development to the maximum extent possible;

The measures adopted to ensure appropriate dissemination of information and training on the rights of the child who is a refugee or is seeking asylum, particularly to the officials competent in the areas addressed by this article;

The number of asylum-seeking and refugee children disaggregated inter alia by age, gender, country of origin, nationality, accompanied or unaccompanied;

The number of such children going to school and covered by health services;

The number of staff handling refugee children who attended training courses to understand the Convention on the Rights of the Child during the reporting period, classified by type of job.

122. Please also indicate the measures adopted pursuant to article 22, paragraph 2 to provide cooperation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations cooperating with the United Nations to:

Protect and assist the child;

Trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family.

In cases where no parents or other members of the family can be found, please indicate the measures adopted to ensure that the child is accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the Convention.

123. Pursuant to this article, please also indicate any evaluation mechanism established to monitor the progress achieved in the implementation of the measures adopted, any difficulties encountered, as well as any priorities set for the future.

2. Children in armed conflicts (art. 38), including physical and psychological recovery and social reintegration (art. 39)

124. Please provide information on the measures adopted pursuant to article 38, including of a legislative, administrative and educational nature, to respect and ensure respect for the rules of international humanitarian law applicable to the State in armed conflicts which are relevant to the child. In this regard, reports should identify the relevant international conventions, instruments and other rules of humanitarian law applicable to the State and the measures adopted to enforce them, as well as to ensure their effective dissemination and appropriate training for professionals concerned.

125. Please indicate all the measures taken pursuant to article 38, paragraph 2, including of a legislative, administrative or other nature, to ensure that persons who have not attained the age of 15 years do not take a direct part in hostilities. In this regard, reports should also indicate the measures adopted to ensure and protect the rights of the child during hostilities. Information

should also be provided on any mechanism established to monitor this situation. When relevant, indication should also be given of the proportion of children participating in hostilities, including by age, gender and social and ethnic origin.

126. Please indicate the measures adopted pursuant to article 38, paragraph 3, including of a legislative and administrative nature, to ensure that no person who has not attained the age of 15 years is recruited into the armed forces, as well as to ensure that, in recruiting among those persons who have attained the age of 15 years but who have not attained the age of 18 years, priority is given to those who are oldest. In this regard, reports should also indicate any mechanisms established to monitor this situation, as well as the proportion of children being recruited or voluntarily enlisted into armed forces, including by age, gender, and social and ethnic origin.

127. Please provide information on all the measures adopted pursuant to article 38, paragraph 4, and in accordance with the State's obligations under international humanitarian law to protect the civilian population in armed conflicts, including measures of a legislative, administrative, budgetary and other nature, to ensure the protection and care of children who are affected by an armed conflict.

128. In this regard, please indicate the relevant international humanitarian law applicable to the State, the criteria used to assess the feasibility of the measures adopted, the steps taken to identify and address the specific situation of children within the civilian population and to ensure respect for and protection of their rights, the measures adopted to ensure that humanitarian assistance and relief programmes are promoted and put in place, including through the negotiation of special arrangements such as corridors of peace and days of tranquillity, as well as any relevant disaggregated data on the children concerned, including by age, gender, and national, social and ethnic origin. Where relevant, please also indicate the number of child casualties due to armed conflict, as well as the number of children displaced because of armed conflict.

129. When providing information on the implementation of the provisions of article 38, please further indicate the respect ensured to the general principles of the Convention, namely non-discrimination, the best interests of the child, respect for the views of the child and the right to life, development and survival to the maximum extent.

130. Please indicate all measures adopted pursuant to article 39 to:

Promote physical and psychological recovery and social reintegration of child victims of armed conflicts;

Ensure that such recovery and reintegration takes place in an environment which fosters the health, self-respect and dignity of the child.

131. In this regard, reports should provide information inter alia on:

The policies and programmes developed, including at the family and community levels, to address the physical and psychological effects of conflicts on children and to promote their reintegration in society;

The steps taken to ensure the demobilization of child soldiers and to prepare them to participate actively and responsibly in society;

The role played by education and vocational training;

The surveys and research undertaken;

The budget allocated for them (at the national, regional, local and where appropriate at the federal and provincial levels);

The number of children who received physical and/or psychological treatment as a consequence of armed conflict.

132. Information should also be provided on the progress achieved on the implementation of articles 38 and 39, on any difficulties encountered and targets set for the future.

B. Children involved with the system of administration of juvenile justice

1. The administration of juvenile justice (art. 40)

133. Please provide information on the legislative and other measures taken to recognize and ensure the right of every child involved with the system of the administration of juvenile justice (alleged as, accused of, or recognized as having infringed the penal law) to be treated in a manner:

Consistent with the promotion of the child's sense of dignity and worth;

Which reinforces the child's respect for the human rights and fundamental freedoms of others;

Which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society;

Which ensures respect for the general principles of the Convention, namely non-discrimination, the best interests of the child, respect for the views of the child and the right to life, survival and development to the maximum extent.

134. With respect to article 40, paragraph 2, please indicate the relevant international instruments applicable in the area of the administration of juvenile justice, including at the multilateral, regional or bilateral levels, as well as legislative and other appropriate measures adopted to ensure in particular that:

No child shall be alleged as, accused of or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

Every child alleged as or accused of having infringed the penal law has at least the following guarantees, indicating, where relevant, additional guarantees provided to the child:

To be presumed innocent until proven guilty according to law;

To be informed promptly (indicating any time limit fixed by law) and directly of the charges against him or her and, if appropriate, through his or her legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence; in this regard, please indicate what other appropriate assistance may be made available to the child;

To have the matter determined without delay (indicating any time limit fixed by law) by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance (indicating what other appropriate assistance may be made available to the child) and, unless it is considered not to be in the best interests of the child, in particular taking into account his or her age or situation, in the presence of his or her parents or legal guardians;

Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

To have the free assistance of an interpreter if the child cannot understand or speak the language used;

To have his or her privacy respected at all stages of the proceedings.

135. Please indicate the measures adopted pursuant to article 40, paragraph 3 to promote the establishment of laws, procedures, authorities and institutions specially applicable to children alleged as, accused of, or recognized as having infringed the penal law, providing information inter alia on the areas addressed by legislation and procedures, as well as the functions, number and distribution throughout the country. Reports should in particular indicate the measures adopted to ensure a child-oriented system, including:

The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

Measures taken for dealing with such children without resorting to judicial proceedings, and to ensure that in such cases human rights and legal safeguards are fully respected, indicating the situations in which such a system applies and relevant procedures established for that purpose.

136. Please indicate the variety of dispositions made available pursuant to article 40, paragraph 4, including care, guidance and supervision orders, counselling, probation, foster care, education and vocational training programmes and other alternatives to institutional care, to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

137. Reports should further indicate the training activities developed for all professionals involved with the system of juvenile justice, including judges, prosecutors, lawyers, law enforcement officials, immigration officers and social workers, on the provisions of the Convention and other relevant international instruments in the field of juvenile justice, including the "Beijing Rules", the "Riyadh Guidelines" and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

138. Relevant information should also be provided on the progress achieved in the implementation of article 40, any difficulties encountered and targets set for the future, as well as disaggregated data on the children concerned, inter alia by age, gender, region, rural/urban area, national, social and ethnic origin, offence and disposition made available.

2. Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37 (b)-(d))

139. Please indicate the legislative and other measures adopted pursuant to article 37 (b) to ensure that:

No child is deprived of his or her liberty unlawfully or arbitrarily;*

The arrest, detention or imprisonment of a child is in conformity with the law and is used only as a measure of last resort and for the shortest appropriate period of time;

The general principles of the Convention are respected, namely non-discrimination, the best interests of the child, respect for the views of the child, the right to life, and survival and development to the maximum extent possible.

140. Reports should also indicate the existing alternatives to deprivation of liberty, the frequency with which they are used and the children concerned, including by age, gender, region, rural/urban area, and social and ethnic origin.

141. Information should also be given on the measures and mechanisms established to:

Prevent the deprivation of liberty of children, including through arrest, detention and imprisonment, inter alia in relation to asylum-seekers and refugees;

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* According to the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, deprivation of liberty means any form of detention or imprisonment or the placement of a person in another public or private custodial setting from which this person is not permitted to leave at will by order of any judicial, administrative or other public authority (rule 11 (b)).

Prevent the imposition of indeterminate sentences, including through their legal prohibition;

Monitor the situation of the children concerned, including through an independent mechanism;

Monitor progress, identify difficulties and set goals for the future.

142. In this regard, information should further be provided on the number of children deprived of liberty, unlawfully, arbitrarily and within the law, as well as on the period of deprivation of liberty, including data disaggregated by gender, age, region, rural/urban area, and national, social and ethnic origin, and the reasons for such deprivation of liberty.

143. Please indicate the legislative and other measures adopted pursuant to article 37 (c) to ensure that any child deprived of liberty is treated:

With humanity and respect for the inherent humanity of the human person;

In a manner which takes into account the needs of persons of his or her age.

144. Reports should also provide information on the measures adopted and arrangements made to ensure that:

The child deprived of liberty is separated from adults unless it is considered in the best interests of the child not to do so;

The child has the right to maintain contact with his or her family through correspondence and visits (indicating the number of such contacts), save in exceptional circumstances, those circumstances being specified in the report;

The conditions in institutions in which children are placed are supervised and monitored, including by an independent mechanism;

Complaint procedures are made available to the child;

A periodic review is made of the situation of the child and of the circumstances relevant to his/her placement;

Education and health services are provided to the child;

The general principles of the Convention are respected, namely non-discrimination, the best interests of the child, respect for the views of the child, the right to life, and survival and development to the maximum extent possible.

145. Please indicate the measures adopted pursuant to article 37 (d) to ensure that every child deprived of liberty has the right to:

Prompt access to legal and other appropriate assistance, indicating inter alia whether there is any legal time limit for such access to assistance and what other appropriate assistance may be made available to the child;

Challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority;

A prompt decision on any such action, indicating inter alia whether there is any legal time limit for such a decision to be taken.

146. Information should also be provided on the overall situation, as well as on the percentage of cases where legal or other assistance has been provided, and where the legality of the deprivation of liberty has been confirmed, including disaggregated data on the children concerned, including by age, gender, region, rural/urban area, and social and ethnic origin.

147. Reports should also indicate the progress achieved in the implementation of article 37 (b) to (d), difficulties encountered and targets set for the future.

3. The sentencing of children, with particular reference to the prohibition of capital punishment and life imprisonment (art. 37 (a))

148. Please provide information on the measures adopted, at the legislative and other levels, to ensure that neither capital punishment nor life imprisonment without possibility of release is imposed for offences committed by persons below 18 years of age.

149. Please also indicate the progress achieved in the implementation of article 37 (a), difficulties encountered and targets set for the future.

4. Physical and psychological recovery and social reintegration of the child (art. 39)

150. Please provide information on all measures taken pursuant to article 39 and in the light of article 40, paragraph 1, to promote the physical and psychological recovery and social reintegration of the child involved with the system of the administration of juvenile justice, and to ensure that such recovery and reintegration take place in an environment which fosters the health, self-respect and dignity of the child.

151. Reports should also identify, inter alia, the mechanisms established and the programmes and activities developed for that purpose, as well as the education and vocational training provided, and indicate relevant disaggregated data on the children concerned, including by age, gender, region, rural/urban area, and social and ethnic origin. They should further indicate the progress achieved in the implementation of article 39, difficulties encountered and targets set for the future.

C. Children in situations of exploitation, including physical and psychological recovery and social reintegration

1. Economic exploitation of children, including child labour (art. 32)

152. Please provide information on the measures taken, including of a legislative, administrative, social and educational nature, to recognize and ensure the right of the child to be protected from:

Economic exploitation;

Performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

153. In this regard, reports should in particular indicate:

Whether legislation has included a prohibition, as well as a definition, of hazardous and harmful work, and/or of the activities considered to be hazardous, harmful to the child's health or development or to interfere with the child's education;

Any preventive and remedial action undertaken, including information and awareness campaigns, as well as education, in particular compulsory education, and vocational training programmes, to address the situation of child labour both in the formal and informal sector, including as domestic servants, in agriculture or within private family activities;

The measures adopted to ensure respect for the general principles of the Convention, particularly non-discrimination, the best interests of the child, the right to life, and survival and development to the maximum extent possible.

154. Please also indicate the appropriate measures adopted pursuant to article 32, paragraph 2, and having regard to the relevant provisions of other international instruments, including measures at the legislative and administrative levels, to provide in particular for:

A minimum age or minimum ages for admission to employment;

Appropriate regulation of the hours and conditions of employment;

Appropriate penalties or other sanctions to ensure the effective enforcement of this article, and any mechanism of inspection and system of complaint procedures available to the child, either directly or through a representative.

155. In this regard, reports should also provide information on the international conventions and other relevant instruments to which the State may be a party, including in the framework of the International Labour Organization, as well as on:

Any national policy and multidisciplinary strategy developed to prevent and combat situations of children's economic exploitation and labour;

Any coordinating and monitoring mechanism established for that purpose;

The relevant indicators identified and used;

Relevant programmes of technical cooperation and international assistance developed;

The progress achieved in the implementation of this article, benchmarks set up as well as difficulties encountered;

Relevant disaggregated data on the children concerned, including by age, gender, region, rural/urban area, and social and ethnic origin, as well as on infringements observed by inspectors and sanctions applied.

2. Drug abuse (art. 33)

156. Please indicate all appropriate measures adopted, including legislative, administrative, social and educational measures, to:

Protect children from the illicit use of narcotic drugs and psychotropic substances, as defined in relevant international treaties;

Prevent the use of children in the illicit production and trafficking of such substances.

157. Reports should also indicate:

The relevant international conventions, including at the regional and bilateral levels, to which the State is a party;

Any arrangements made and structures developed to raise awareness in the general population and amongst children, including through the school system and whenever appropriate by the consideration of this topic by the school curricula;

Any measures undertaken to assist children and their families, including through counselling, advice and helplines, where appropriate of a confidential nature, and policies and strategies designed to ensure the physical and psychological recovery and social reintegration of children concerned;

Any measures designed to monitor the incidence of drug abuse on children, as well as their involvement in the illicit production and trafficking of narcotic and psychotropic substances, progress achieved, difficulties encountered and targets set for the future;

Any relevant disaggregated data, including by age, gender, region, rural/urban area, and social and ethnic origin.

158. In addition, please also provide information on legislative and other measures taken to prevent the use by children of alcohol, tobacco and other substances which may be prejudicial to their health and which may be available with or without restrictions to adults, and on any evaluation made of the effectiveness of such measures, together with relevant disaggregated data on the use by children of such substances.

3. Sexual exploitation and sexual abuse (art. 34)

159. Please indicate the measures adopted, including of a legislative, educational and social nature, to protect the child from all forms of sexual exploitation and sexual abuse. Reports should in particular provide information on all national, bilateral and multilateral measures taken to prevent:

The inducement or coercion of a child to engage in any unlawful sexual activity;

The exploitative use of children in prostitution or other unlawful sexual practices;

The exploitative use of children in pornographic performances and materials.

160. Reports should also indicate, inter alia:

Information, awareness and education campaigns to prevent any form of sexual exploitation or abuse of the child, including campaigns undertaken in cooperation with the media;

Any national and multidisciplinary strategy developed to ensure protection of children below the age of 18 against all forms of sexual exploitation and abuse, including within the family;

Any coordinating and monitoring mechanism established for that purpose;

The relevant indicators identified and used;

Legislation developed to ensure effective protection of child victims, including through access to legal and other appropriate assistance and support services;

Whether sexual exploitation and abuse of children, child prostitution and child pornography, including the possession of child pornography, and the use of children in other unlawful sexual practices are considered criminal offences;

Whether the principle of extraterritoriality has been incorporated in the legislation to criminalize the sexual exploitation of children by nationals and residents of the State party when committed in other countries;

Whether special units of law enforcement officials and police liaison officers have been appointed to deal with children who have been sexually exploited or abused, and whether appropriate training has been provided to them;

Relevant bilateral, regional and multilateral agreements concluded or to which the State party may have acceded to foster the prevention of all forms of sexual abuse and exploitation and to ensure the effective protection of child victims, including in the areas of judicial cooperation and cooperation among law enforcement officials;

Relevant programmes of technical cooperation and international assistance developed with United Nations bodies and other international organizations, as well as with other competent bodies, including Interpol, and non-governmental organizations;

Relevant activities and programmes developed, including of a multidisciplinary nature, to ensure the recovery and reintegration of the child victim of sexual exploitation or abuse, in the light of article 39 of the Convention;

The measures adopted to ensure respect for the general principles of the Convention, namely non-discrimination, the best interests of the child, respect for the views of the child, the right to life, and survival and development to the maximum extent possible;

Relevant disaggregated data on the children concerned by the implementation of article 34, including by age, gender, region, rural/urban area, and national, social and ethnic origin. Such data should include the number of cases in which a child was used in drug trafficking during the reporting period; the minimum penalty in the law for using children in drug trafficking; and the number of cases of commercial sexual exploitation, sexual abuse, sale of children, abduction of children and violence against children reported during this period;

The progress achieved in the implementation of article 34, difficulties encountered and targets set.

4. Sale, trafficking and abduction (art. 35)

161. Please provide information on all measures adopted, including of a legislative, administrative, educational and budgetary nature, at the national, bilateral and multilateral levels, to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

162. In this regard, reports should indicate inter alia:

The legislation adopted to ensure effective protection of children against abduction, sale and trafficking, including through the consideration of these acts as criminal offences;

Awareness and information campaigns to prevent their occurrence, including campaigns undertaken in cooperation with the media;

The allocation of appropriate resources for the development and implementation of relevant policies and programmes;

Any national strategy developed to prevent and suppress such acts;

Any coordinating and monitoring mechanism established for that purpose;

The relevant indicators identified and used;

Whether special units have been created among law enforcement officials to deal with these acts;

Relevant training activities provided to the competent authorities;

Structures and programmes developed to provide support services to the children concerned and to promote their physical and psychological recovery and social reintegration, in the light of article 39;

The measures adopted to ensure that in the implementation of article 35 due consideration is taken of other provisions of the Convention, including in the areas of civil rights, particularly in relation to the preservation of the identity of the child, adoption and prevention of any form of exploitation of children, including child labour and sexual exploitation;

The measures adopted to ensure respect for the general principles of the Convention, including non-discrimination, the best interests of the child, respect for the views of the child, the right to life, and survival and development to the maximum extent possible.

163. Reports should also indicate the relevant bilateral and multilateral agreements concluded by the State party, or to which it may have acceded, to prevent the sale and abduction of and trafficking in children, including in the areas of international cooperation between judicial authorities and law enforcement officials, inter alia on any existing system of collection and exchange of information on perpetrators of such acts as well as on the child victims. Relevant disaggregated information should also be provided on the children concerned by the implementation of article 35, including by age, gender, region, rural/urban area, and social and ethnic origin, as well as on the progress achieved in the implementation of this article, the difficulties encountered and the targets set for the future.

5. Other forms of exploitation (art. 36)

164. Please provide information on all measures adopted, including of a legislative, administrative, educational, budgetary and social nature, to protect the child against all forms of exploitation prejudicial to any aspects of his or her welfare.

165. Reports should also indicate, inter alia:

The prevalence of any form of exploitation prejudicial to the child's welfare;

Awareness and information campaigns launched, including for children, families and the public at large, as well as the involvement of the media;

Training activities developed for professional groups working with and for children;

Any national strategy developed to ensure protection to the child and the targets set for the future;

Any mechanism established to monitor the situation of the child, the progress achieved in the implementation of this article and any difficulties encountered;

The relevant indicators used;

Measures adopted to ensure the physical and psychological recovery, as well as the social reintegration, of the child victim of exploitation prejudicial to any aspects of his or her welfare;

Relevant measures adopted to ensure respect for the general principles of the Convention, namely non-discrimination, the best interests of the child, respect for the views of the child, the right to life and survival and development to the maximum extent possible;

The measures adopted to ensure that the implementation of this article takes into due consideration other relevant provisions of the Convention;

Relevant disaggregated data on the children concerned by the implementation of this article, including by age, gender, region, rural/urban area, and national, social and ethnic origin.

D. Children belonging to a minority or an indigenous group (art. 30)

166. Please provide information on the measures adopted, including at the legislative, administrative, educational, budgetary and social levels, to ensure that a child belonging to an ethnic, religious or linguistic minority or who is indigenous is not denied the right, in community with other members of his or her group:

To enjoy his or her culture;

To profess and practise his or her own religion;

To use his or her own language.

167. In this regard, reports should also indicate inter alia:

The ethnic, religious or linguistic minorities or indigenous groups existing within the State party's jurisdiction;

The measures adopted to ensure the preservation of the identity of the minority or indigenous group to which the child belongs;

The measures adopted to recognize and ensure the enjoyment of the rights set forth in the Convention by children belonging to a minority or who are indigenous;

The measures adopted to prevent any form of discrimination and combat prejudice against those children, as well as those designed to ensure that they benefit from equal opportunities, including in relation to health care and education;

The measures adopted to ensure respect for the general principles of the Convention, namely the best interests of the child, respect for the views of the child, the right to life, and survival and development to the maximum extent possible, as well as non-discrimination;

The measures adopted to ensure that in the implementation of the rights recognized in article 30 due consideration is taken of other provisions of the Convention, including in the areas of civil rights, particularly in relation to the preservation of the child's identity, family environment and alternative care (for example art. 20, para. 3 and art. 21), education and the administration of juvenile justice;

Relevant disaggregated data on the children concerned, including by age, gender, language, religion, and social and ethnic origin;

The progress achieved and the difficulties encountered in the implementation of this article, as well as any targets set for the future.

Chapter VIII

OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT*

Introduction

1. Pursuant to article 8, paragraph 1, of the Optional Protocol, States parties shall, within two years following the entry into force of the Protocol for the State party concerned, submit a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Optional Protocol. Thereafter, pursuant to article 8, paragraph 2, of the Optional Protocol, States parties shall include in the reports they submit to the Committee on the Rights of the Child in accordance with article 44, paragraph 1 (b), of the Convention any further information with respect to the implementation of the Optional Protocol. States parties to the Optional Protocol who are not parties to the Convention shall submit a report every five years after the submission of the comprehensive report.

2. The Committee may, in the light of article 8, paragraph 3, of the Optional Protocol, request from States parties further information relevant to the implementation of the Optional Protocol.

3. Reports should provide information on the measures adopted by the State party to give effect to the rights set forth in the Optional Protocol and on the progress made in the enjoyment of those rights and should indicate the factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the Optional Protocol.

4. Copies of the principal legislative texts and judicial decisions, administrative and other relevant instructions to the armed forces, both of a civil and a military character, as well as detailed statistical information, indicators referred to therein and relevant research should accompany reports. In reporting to the Committee, States parties should indicate how the implementation of the Optional Protocol is in line with the general principles of the Convention on the Rights of the Child, namely non-discrimination, best interests of the child, right to life, survival and development, and respect for the views of the child. Moreover, the process of preparation of the report should be described to the Committee, including the involvement of governmental and non-governmental organizations/bodies in its drafting and dissemination. Finally, reports should indicate the date of reference used when determining whether or not a person is within an age limit (for instance, the date of birth of the person concerned or the first day of the year during which the person concerned reaches that age).

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* Adopted by the Committee at its 736th meeting (twenty-eighth session) on 3 October 2001.

Article 1

5. Please provide information on all measures taken, including of a legislative, administrative or other nature, to ensure that members of the armed forces who have not attained the age of 18 years do not take a direct part in hostilities. In this respect, please provide information notably on:

(a) The meaning of "direct participation" in the legislation and practice of the State concerned;

(b) The measures taken to avoid a member of the armed forces who has not attained the age of 18 years being deployed or maintained in an area where hostilities are taking place and the obstacles encountered in applying these measures;

(c) When relevant, disaggregated data on members of the armed forces below the age of 18 years who were taken prisoner, despite not having participated directly in hostilities.

Article 2

6. Please indicate all the measures taken, including of a legislative, administrative or other nature, to ensure that persons who have not attained the age 18 years are not compulsorily recruited into the armed forces. In this regard, reports should provide, information on, inter alia:

(a) The process of compulsory recruitment (i.e. from registration up to the physical integration into the armed forces), indicating the minimum age linked to each step and at what point in that process recruits become members of the armed forces;

(b) The documents considered reliable which are required to verify age prior to acceptance into compulsory military service (birth certificate, affidavit, etc.);

(c) Any legal provision enabling the age of conscription to be lowered in exceptional circumstances (e.g. state of emergency). In this respect, please provide information on the age it can be lowered to and the process for and conditions of that change;

(d) For States parties where compulsory military service has been suspended but not abolished, the minimum age of recruitment set for compulsory military service and how, and under what conditions, compulsory service can be reactivated.

Article 3

Paragraph 1

7. Reports should contain the following:

(a) The minimum age set for voluntary recruitment into the armed forces, in accordance with the declaration submitted upon ratification or accession or any change thereafter;

(b) When relevant, disaggregated data (for example, by gender, age, region, rural/urban areas and social and ethnic origin, and military ranks) on children below the age of 18 years voluntarily recruited into the national armed forces;

(c) When relevant, the measures taken pursuant to article 38, paragraph 3, of the Convention on the Rights of the Child to ensure that in recruiting those persons who have attained the minimum age set for voluntary recruitment but who have not attained the age of 18 years, priority is given to those who are oldest. In this respect, provide information on the measures of special protection adopted for the recruits under 18 years old.

Paragraphs 2 and 4

8. Reports should provide information on:

(a) The debate which has taken place in the State party prior to the adoption of the binding declaration and the people involved in that debate;

(b) When relevant, the national (or regional, local, etc.) debates, initiatives, or any campaign aimed at strengthening the declaration if it set a minimum age lower than 18 years.

Paragraph 3

9. With regard to the minimum safeguards that States parties shall maintain concerning voluntary recruitment, reports should provide information on the implementation of these safeguards and indicate, among other things:

(a) A detailed description of the procedure used for such recruitment, from the expression of intention to volunteer through to the physical integration into the armed forces;

(b) Medical examinations foreseen before volunteers can be recruited;

(c) The documentation required to verify the age of the volunteers (birth certificate, affidavit, etc.);

(d) Information that is made available to the volunteers, and to their parents or legal guardians, allowing them to formulate their own opinion and to make them aware of the duties involved in the military service. A copy of any materials used for this purpose should be annexed to the report;

(e) The effective minimum service time and the conditions for early discharge; the application of military justice or discipline to recruits under 18 and disaggregated data on the number of such recruits being tried or in detention; the minimum and maximum sanctions foreseen in case of desertion;

(f) The incentives used by the national armed forces for encouraging volunteers (scholarships, advertising, meetings at schools, games, etc.).

Paragraph 5

10. Reports should provide information on:

(a) The minimum age of entry into schools operated by or under the control of the armed forces;

(b) Disaggregated data on schools operated by or under the control of the armed forces, including their number, the type of education provided and the proportions of academic education and military training in the curricula; length of the education; academic/military personnel involved, educational facilities, etc.;

(c) The inclusion in the school curricula of human rights and humanitarian principles, including in areas relevant to the realization of the rights of the child;

(d) Disaggregated data (for example, by gender, age, region, rural/urban areas and social and ethnic origin) on the students attending these schools; their status (members or not of the armed forces); their military status in the case of a mobilization or of an armed conflict, a genuine military need or any other emergency situation; their right to leave such schools at any time and not to pursue a military career;

(e) The measures taken to ensure that school discipline is administered in a manner consistent with the child's human dignity, and any complaint mechanisms available in this regard.

Article 4

11. Please provide information on, inter alia:

(a) The armed groups operating on/from the territory of the State party or with sanctuary on its territory;

(b) The status of any negotiations between the State party and armed groups;

(c) Disaggregated data (for example, by gender, age, region, rural/urban areas and social and ethnic origin, time spent in the armed groups, and time spent participating in hostilities) on children who have been recruited and used in hostilities by armed groups and on those who have been arrested by the State party;

(d) Any written or oral commitment made by armed groups not to recruit and use children below the age of 18 in hostilities;

(e) Measures adopted by the State party aimed at raising awareness amongst armed groups and within communities of the need to prevent the recruitment of children below the age of 18 and of their legal obligations with regard to the minimum age set in the Optional Protocol for recruitment and participation in hostilities;

(f) The adoption of legal measures which aim at prohibiting and criminalizing the recruitment and use in hostilities of children under the age of 18 by armed groups and relevant judicial decisions;

(g) The programmes (e.g. birth registration campaigns) to prevent children who are at highest risk of recruitment or use by armed groups, such as refugee and internally displaced children, street children, orphans, from being so recruited or used.

Article 5

12. Please indicate those provisions of the national legislation or of international instruments and international humanitarian law applicable in the State party, which are more conducive to the realization of the rights of the child. Reports should also provide information on the status of ratification by the State party of the main international instruments concerning children in armed conflict and on other commitments undertaken by the State party concerning this issue.

Article 6

Paragraphs 1 and 2

13. Indicate the measures adopted to ensure the effective implementation and enforcement of the provisions of the Optional Protocol within the jurisdiction of the State party, including information on:

(a) Any review of domestic legislation and amendments introduced;

(b) The legal status of the Optional Protocol in national law and its applicability before domestic jurisdictions, as well as, when relevant, the intention of the State party to withdraw existing reservations made to the Optional Protocol;

(c) The governmental departments or bodies responsible for the implementation of the Optional Protocol and their coordination with regional and local authorities, as well as with civil society;

(d) The mechanisms and means used for monitoring and periodically evaluating the implementation of the Optional Protocol;

(e) Measures adopted to ensure the training of peacekeeping personnel on the rights of the child, including the provisions of the Optional Protocol;

(f) The dissemination in all relevant languages of the Optional Protocol to all children and adults, notably those responsible for military recruitment, and the training offered to all professional groups working with and for children.

Paragraph 3

14. When relevant, please describe all measures adopted with regard to disarmament, demobilization (or release from service), and the provision of appropriate assistance for the physical and psychological recovery and social reintegration of children, taking due account of the specific situation of girls, including information on:

(a) The children involved in that procedure, on their participation in such programmes, and on their status with regard to the armed forces and armed groups (e.g. when do they stop being members of the armed forces or groups?); the data should be disaggregated by, e.g. age and sex;

(b) The budget allocated to these programmes, the personnel involved and their training, the organizations concerned, cooperation among them, and participation of civil society, local communities, families, etc.;

(c) The various measures adopted to ensure the social reintegration of children, e.g. nterim care, access to education and vocational training, reintegration in the family and community and relevant judicial measures, taking into account the specific needs of the children concerned, depending notably on their age and sex;

(d) The measures adopted to ensure confidentiality and protection of children involved in such programmes from media exposure and exploitation;

(e) The legal provisions adopted to criminalize the recruitment of children and whether that crime comes within the competence of any specific justice-seeking mechanisms established in the context of conflict (e.g. war crimes tribunal, truth and reconciliation bodies); the safeguards adopted to ensure that the rights of the child as a victim and as a witness are respected in these mechanisms in light of the Convention on the Rights of the Child;

(f) The criminal liability of children for crimes they may have committed during their stay with armed forces or groups and the judicial procedure applicable, as well as safeguards to ensure that the rights of the child are respected;

(g) When relevant, the provisions of peace agreements dealing with the disarmament, demobilization, and/or physical and psychological recovery and social reintegration of child combatants.

Article 7

15. Reports should provide information on cooperation in the implementation of the Optional Protocol, including through technical cooperation and financial assistance. In this regard, reports should provide information, inter alia, on the extent of the technical cooperation or financial assistance which the State party has requested or offered. Please indicate if the State party is in a position to provide financial assistance and describe the multilateral, bilateral or other programmes that have been undertaken with that assistance.

Chapter IX

OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY*

I. INTRODUCTION

1. Pursuant to article 12, paragraph 1, of the Optional Protocol, each State party shall, within two years following the entry into force of the Optional Protocol for that State party, submit a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Optional Protocol. Thereafter, pursuant to article 12, paragraph 2, of the Optional Protocol, States parties shall include in the reports they submit to the Committee on the Rights of the Child in accordance with article 44, paragraph 1 (b), of the Convention any further information with respect to the implementation of the Optional Protocol. States parties to the Optional Protocol that are not parties to the Convention shall submit a report every five years.

2. The Committee may, in the light of article 12, paragraph 3, of the Optional Protocol, request from States parties further information relevant to the implementation of the Optional Protocol.

3. Reports should provide information on:

(a) The legal status of the Optional Protocol in domestic law and its applicability in domestic jurisdictions;

(b) When relevant, the intention of the State party to withdraw existing reservations made to the Optional Protocol;

(c) The governmental departments or bodies competent for the implementation of the Optional Protocol and their coordination with regional and local authorities as well as the civil society, the business sector, the media, etc.;

(d) The dissemination to the public at large, including children and parents, of information, through all appropriate means, education and training, about the provisions of the Optional Protocol;

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* Contained in CRC/OP/SA/1 entitled Guidelines regarding initial reports to be submitted by States parties under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, which were adopted by the Committee on the Rights of the Child at its 777th meeting (twenty-ninth session) on 1 February 2002.

(e) The dissemination of the Optional Protocol and the appropriate training offered to all professional groups working with and for children and all other relevant groups (immigration and law enforcement officers, social workers, etc.);

(f) The mechanisms and procedures used for the periodic evaluation of the implementation of the Optional Protocol and the main challenges encountered so far.

4. In reporting to the Committee, States parties should indicate how the implementation of the Optional Protocol is in line with the general principles of the Convention on the rights of the Child, namely non-discrimination, best interests of the child, right to life, survival and development, and respect for the views of the child. The States parties also should elaborate on how and to what extent the implementation of the Optional Protocol contributes to the implementation of the provisions of the Convention on the Rights of the Child, in particular articles 1, 11, 21, 32, 33, 34, 35 and 36 (see preamble to the Optional Protocol). Moreover, the process of preparation of the report should be described to the Committee, including the involvement of governmental and non-governmental organizations/bodies in its drafting and dissemination.

5. Moreover, for all areas raised in these guidelines, the Committee invites States parties to provide it with:

(a) Information on the progress made in the enjoyment of the rights set forth in the Optional Protocol;

(b) An analysis of the factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the Optional Protocol;

(c) Information on the budget allocated to the various activities of the State party related to the Optional Protocol;

(d) Detailed disaggregated data;

(e) Copies of the principal legislative, administrative and other relevant texts and judicial decisions and relevant research.

II. PROHIBITION OF THE SALE OF CHILDREN, CHILD PORNOGRAPHY AND CHILD PROSTITUTION

6. Please provide information on existing criminal or penal laws and regulations covering and defining the acts and activities enumerated in article 3, paragraph 1, of the Optional Protocol. In this respect, please provide information on:

(a) The age limit used for defining a child in the definition of each of these offences;

(b) The penalties which apply to each of these offences and what the aggravating or attenuating circumstances applicable to them are;

(c) The Statute of Limitation for each of these offences;

(d) Any other acts or activities which are criminalized under the penal or criminal laws of the State party and which are not covered by article 3, paragraph 1, of the Optional Protocol;

(e) The liability of legal persons for the acts and activities enumerated in article 3, paragraph 1, of the Optional Protocol, indicating the definition of a legal person in the State party; and

(f) The status, under the criminal or penal law of the State party, of attempts to commit and complicity or participation in any of the offences referred to previously.

7. With regard to adoption (art. 3, para. 1 (a) (ii)), please indicate the bilateral and multilateral agreements which are applicable to the State party and how the State party ensures that all persons involved in the adoption of the child act in conformity with these international agreements.

III. PENAL/CRIMINAL PROCEDURE

Jurisdiction

8. Please indicate the measures adopted, including of a legislative, judicial and administrative nature, to establish the State party's jurisdiction over the offences referred to in article 3, paragraph 1, of the Optional Protocol when:

(a) These offences are committed in its territory or on board a ship or aircraft registered in the State party;

(b) The alleged offender is a national of the State party or a person who has his/her habitual residence in its territory;

(c) The victim is a national of the State party;

(d) The alleged offender is present in its territory and it does not extradite her/him to another State party on the ground that the offence has been committed by one of its nationals. In that case, please indicate if an extradition request is required prior to the State party establishing its jurisdiction.

9. Please indicate any other measures at the national level, including of a legislative, judicial and administrative nature, which establish other rules concerning criminal jurisdiction by the State party.

Extradition

10. Please provide information on the State party's extradition policy related to the offences referred to in article 3, paragraph 1, of the Optional Protocol with specific attention to the various situations enumerated in article 5 of the Optional Protocol. For each situation relevant to

the State party, in light of the disaggregated data requested under paragraph 5 (d) of these guidelines, please indicate the number of extradition requests received from or sent to the States concerned, and provide disaggregated data about the offenders and the victims (age, sex, nationality, etc.). Please also provide information on the length of the procedure, and on cases of extradition requests which have been sent or received and which did not succeed.

Seizure and confiscation of goods and proceeds and closure of premises

11. Please provide information on the measures adopted, including of a legislative, judicial and administrative nature, related to:

(a) The seizure and confiscation of goods and proceeds referred to in article 7 (a) of the Optional Protocol;

(b) The closing, on a temporary or definitive basis, of premises used to commit offences as provided for in article 3, paragraph 1, of the Optional Protocol.

IV. PROTECTION OF THE RIGHTS OF CHILD VICTIMS

12. In light of articles 8, 9, paragraphs 3 and 4, of the Optional Protocol, please provide information on the measures, including of a legislative, judicial and administrative nature, that have been adopted to protect the rights and interests of child victims of offences prohibited under the Optional Protocol at all stages of the criminal justice process while ensuring the rights of the accused to a fair and impartial trial. Please indicate the measures adopted:

(a) To ensure that the best interests of the child is a primary consideration in the relevant domestic legislation and regulations governing the treatment of child victims by the criminal justice system;

(b) To ensure that criminal investigations are initiated even in cases where the actual age of the victim cannot be established and indicate the means used for this determination;

(c) To adapt the procedures so they are child sensitive, with special regard to the dignity and worth of the child and her/his cultural background, including the procedures used for investigation, interrogation, trial and cross-examination of child victims and witnesses; the right of a parent or guardian to be present; the right to be represented by a legal adviser or to apply for free legal aid. In that respect, please indicate what the legal consequences are for a child who has committed an offence under the law applicable to her/him as a direct result of the practices prohibited under the Optional Protocol;

(d) To inform the child during the whole of the legal process and indicate the persons responsible for this task;

(e) To allow the child to express her/his views, needs and concerns;

(f) To provide appropriate support services to child victims, including psychosocial, psychological and linguistic support at every step of legal proceedings;

(g) To protect, as appropriate, the privacy and identity of child victims;

(h) To provide, in appropriate cases, for the safety of child victims, as well as of their families, witnesses on their behalf, and individuals/organizations dealing with the prevention and/or protection and rehabilitation of child victims from intimidation and retaliation;

(i) To ensure that all child victims have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible and to avoid unnecessary delay in the disposition of cases and the execution of orders or decrees granting compensation; and

(j) To ensure that child victims receive all appropriate assistance, including for their full social reintegration and full physical and psychological recovery.

V. PREVENTION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

13. In light of articles 9, paragraphs 1, 2 and 5, and 10, paragraph 1, of the Optional Protocol, please provide information on:

(a) The measures, including of a legislative, judicial and administrative nature, and the policies and programmes adopted to prevent the offences referred to in the Optional Protocol. Reports should also give information on children concerned by these preventive measures and on the measures used to particularly target children who are especially vulnerable to such practices;

(b) The means used to raise awareness within the population at large about the offences prohibited under the Optional Protocol. Please provide disaggregated information, including on:

(i) The various types of awareness, educational and training activities;

(ii) The public concerned;

(iii) The involvement of governmental bodies and non-governmental organizations, the business sector, media professionals, etc.;

(iv) The participation of children/child victims and/or communities;

(v) The scope of these activities (local, regional, national and/or international);

(c) The measures adopted, including of a legislative, judicial and administrative nature, to effectively prohibit the production and dissemination of material advertising the offences described in the Optional Protocol, as well as the mechanisms established to monitor the situation.

VI. INTERNATIONAL ASSISTANCE AND COOPERATION

Prevention

14. In light of article 10, paragraph 3, of the Optional Protocol, please provide information on the activities of the State party to promote international cooperation to address the root causes, particularly poverty and underdevelopment, which contribute to the vulnerability of children to the sale of children, child prostitution, child pornography, and child sex tourism.

Protection of victims

15. In light of article 10, paragraph 2, of the Optional Protocol, please provide information on international cooperation to assist child victims in their physical and psychological recovery, social reintegration and repatriation.

Law enforcement

16. In light of articles 6 and 10 of the Optional Protocol, please provide information on the assistance and cooperation provided by the State party at all steps/parts of the penal or criminal procedure with regard to the offences as provided in article 3, paragraph 1, of the Optional Protocol (detection, investigation, prosecution, punishment and extradition proceedings). In light of article 7 (b) of the Optional Protocol, please provide information on requests received from another State party for seizure or confiscation of goods or proceeds referred to in article 7 (a) of the Optional Protocol.

17. Please indicate the relevant bilateral, regional and/or multilateral agreements, treaties or other arrangements which the State party concerned is party to, and/or any relevant domestic legislation in that respect. Finally, please indicate what cooperation/coordination has been set up between the State party's authorities, national and international non-governmental organizations, and international organizations.

Financial and other assistance

18. With reference to international cooperation, mentioned above, (paras. 14-17), please provide information on the financial, technical or other assistance provided and/or received through existing multilateral, bilateral or other programmes that have been undertaken to that end.

VII. OTHER LEGAL PROVISIONS

19. Please indicate any relevant provisions of domestic legislation and international law in force in the State concerned which are more conducive to the realization of the rights of the child. Reports should also provide information on the status of ratification by the State concerned of the main international instruments concerning sale of children, child prostitution, child pornography and child sex tourism and on other commitments undertaken by that State concerning this issue, and on their implementation and challenges encountered.
